

To: Bray, Dave[Bray.Dave@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Hastings, Janis[Hastings.Janis@epa.gov]; Koprowski, Paul[Koprowski.Paul@epa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Smith, Judy[Smith.Judy@epa.gov]; McClintock, Katie[McClintock.Katie@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Davis, Alison[Davis.Alison@epa.gov]; Barber, Anthony[Barber.Anthony@epa.gov]; Terry, Sara[Terry.Sara@epa.gov]
From: Davis, Matthew
Sent: Thur 2/18/2016 8:08:09 PM
Subject: RE: First draft of response to Oregon Congressionals letter
Final Draft Portland Air Toxics Congressional Response 2 18 2016 mhd.docx

I think this looks really good. I've made a couple of minor edits or additions just for salutation, my contact info, etc. (attached)

I'll look for the next version to hand/send to Nichole for review in parallel with the AA and RA.

-Matthew

-----Original Message-----

From: Bray, Dave

Sent: Thursday, February 18, 2016 1:07 PM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Hastings, Janis <Hastings.Janis@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Smith, Judy <Smith.Judy@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Davis, Alison <Davis.Alison@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Terry, Sara <Terry.Sara@epa.gov>; Davis, Matthew <Davis.Matthew@epa.gov>

Subject: RE: First draft of response to Oregon Congressionals letter

Hi all,

Attached is the latest version of the Congressionals letter. It includes the new sections requested by Dennis and hopefully, addresses all of the comments and suggestions.

Please let me know any comments, edits, etc. ASAP. And if there is anyone else who should review it, please forward it to them.

Thanks very much for all of your help on this.

Dave

David C. Bray
Special Assistant to the Director
Office of Air, Waste and Toxics
EPA, Region 10
Seattle, WA 98101
Tel (206) 553-4253
Fax (206) 553-0110

-----Original Message-----

From: Bray, Dave

Sent: Wednesday, February 17, 2016 5:19 PM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Hastings, Janis <Hastings.Janis@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Smith, Judy <Smith.Judy@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Davis, Alison <Davis.Alison@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Terry, Sara <Terry.Sara@epa.gov>; Davis, Matthew <Davis.Matthew@epa.gov>

Subject: First draft of response to Oregon Congressionals letter

Hi all,

Sending this to the folks on the daily updates list. If anyone else should be reviewing this draft, please forward it to them.

Attached is the first draft of the letter responding to the Oregon Congressionals letter. It includes a response drafted by Region 10 for the first of the three specific requests and responses drafted by HQ for the second and third specific requests. It still needs some formatting and work on the salutation and closing which will be done by our Congressional staff so folks should focus on the substantive draft responses.

Thanks in advance for your review and comments.

Dave

From: Holsman, Marianne

Sent: Tuesday, February 16, 2016 4:12 PM

Required: Holsman, Marianne; Bray, Dave; Hastings, Janis; Koprowski, Paul; Narvaez, Madonna; Smith, Judy; McClintock, Katie; Koerber, Mike; Davis, Alison; Barber, Anthony; Terry, Sara; Davis, Matthew

Subject: Daily Updates on Portland Air Toxics

When: Wednesday, February 17, 2016 8:30 AM-9:00 AM.

Where: Ex. 6 - Personal Privacy code: Ex. 6 - Personal Privacy

Hi Folks:

Thought at least a morning update each day would help everyone know what is happening given how dynamic things are right now. May want to do an end of day wrap as well.

If you can't make the updates, please send me and Jan an email and we'll report for you.

The idea is we each report on what we know and are working on currently. Simple!

Thanks!

To: Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Hedgpeth, Zach[Hedgpeth.Zach@epa.gov]
From: McClintock, Katie
Sent: Fri 2/12/2016 7:11:03 PM
Subject: RE: OPB - Colored Glass

Ex. 5 - Deliberative Process

From: Narvaez, Madonna
Sent: Friday, February 12, 2016 11:00 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>; Hedgpeth, Zach <Hedgpeth.Zach@epa.gov>
Subject: Fw: OPB - Colored Glass
Importance: High

How do you want to proceed on this? I can be reached

Ex. 6 - Personal Privacy

Madonna Narvaez

Sr. Air Toxics Advisor

USEPA, R10

1200 Sixth Ave., Ste 900

MC: AWT-107

206.553.2117 - phone
206.553.0110 - fax

From: Holsman, Marianne
Sent: Friday, February 12, 2016 10:06 AM
To: Narvaez, Madonna
Subject: Fw: OPB - Colored Glass

Please coordinate with Katie and Zach. We have very little time, and have to vet through OAQPS.

From: Holsman, Marianne
Sent: Friday, February 12, 2016 10:04 AM
To: Hedgpeth, Zach
Subject: Fw: OPB - Colored Glass

From: Holsman, Marianne
Sent: Friday, February 12, 2016 10:02 AM
To: McClintock, Katie
Subject: Fw: OPB - Colored Glass

From: Davis, Alison
Sent: Thursday, February 11, 2016 1:40 PM
To: Holsman, Marianne
Subject: OPB - Colored Glass

Hi Marianne,

I'm picking up this inquiry. I have your message to Mike about including the Oregon toxics monitoring info, and we'll look for a way to do that. It's a good point.

We are working this request through Enesta, which is our preference for all OAQPS press questions. The list of questions Cassandra sent her was much longer than she had shared with

you. Thought you might like to see them (pasted below). Her deadline is tomorrow; we're working on answers.

- What pollution regulations apply to colored glass-making facilities?
- How much of what kinds of pollutants are colored glass-makers allowed to emit?
- What kind of pollution controls are required for colored glass-makers?
- Are there other pollution controls these glass-makers could use to control emissions from their furnaces?
- Are all colored glass facilities subject to pollution regulations?
- Are there some colored glass-makers that don't have to add any pollution controls at all?
- Do colored-glass facility regulations vary from state to state? How many of these facilities are there in the U.S.?
- How do you test to see if the required pollution controls are working?
- How do regulators know if the pollution from these facilities goes beyond the emissions standards?
- The findings of elevated cadmium and arsenic in the air near Bullseye Glass in Portland suggest the existing regulations are allowing more emissions of these metals in the air than regulators knew about. Has that situation revealed a problem? Is there a loophole in the regulations that needs to be closed?
- Do our current regulations allow unhealthy amounts of cadmium and arsenic emissions to be released from colored glass-making facilities? Did the EPA already know that? Or did the moss testing in Portland reveal that fact?
- Is anyone at the EPA working to change the way colored glass-making facilities are regulated?

Thanks.

-Alison

Alison Davis

Senior Advisor for Public Affairs

US EPA, Office of Air Quality Planning & Standards

Research Triangle Park, NC 27711

Desk: 919-541-7587

Mobile: 919-624-0872

To: McClintock, Katie[McClintock.Katie@epa.gov]; Hedgpeth, Zach[Hedgpeth.Zach@epa.gov]
From: Narvaez, Madonna
Sent: Fri 2/12/2016 7:00:13 PM
Subject: Fw: OPB - Colored Glass

How do you want to proceed on this? I can be reached Ex. 6 - Personal Privacy

Madonna Narvaez

Sr. Air Toxics Advisor

USEPA, R10

1200 Sixth Ave., Ste 900

MC: AWT-107

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206.553.0110 - fax

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Alison Davis

Senior Advisor for Public Affairs

US EPA, Office of Air Quality Planning & Standards

Research Triangle Park, NC 27711

Desk: 919-541-7587

Mobile: 919-624-0872

To: Hedgpeth, Zach[Hedgpeth.Zach@epa.gov]
From: McClintock, Katie
Sent: Fri 2/5/2016 7:37:26 PM
Subject: FW: Heads up on emerging issue in PDX.

Ex. 5 - Deliberative Process

-----Original Message-----

From: McClintock, Katie
Sent: Friday, February 05, 2016 10:59 AM
To: Bray, Dave <Bray.Dave@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Elleman, Robert <Elleman.Robert@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>
Cc: Islam, Mahbubul <Islam.Mahbubul@epa.gov>
Subject: RE: Heads up on emerging issue in PDX.

Heads up that Bullseye is the 2nd largest stained glass producer in the country.

The biggest is Spectrum Glass, right here in Woodinville, WA!

Ex. 5 - Deliberative Process

-----Original Message-----

From: Bray, Dave
Sent: Friday, February 05, 2016 10:09 AM
To: Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Elleman, Robert <Elleman.Robert@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Islam, Mahbubul <Islam.Mahbubul@epa.gov>
Subject: RE: Heads up on emerging issue in PDX.

Ex. 5 - Deliberative Process

Dave

From: Narvaez, Madonna
Sent: Friday, February 5, 2016 9:57 AM
To: Bray, Dave; Elleman, Robert; Koprowski, Paul; Downey, Scott; Dossett, Donald; McClintock, Katie
Cc: Islam, Mahbubul
Subject: RE: Heads up on emerging issue in PDX.

I know that. It would be helpful to know just how facilities we would have to deal with outside of any regulatory backup.

-----Original Message-----

From: Bray, Dave
Sent: Friday, February 05, 2016 9:39 AM
To: Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Elleman, Robert <Elleman.Robert@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>
Cc: Islam, Mahbubul <Islam.Mahbubul@epa.gov>
Subject: RE: Heads up on emerging issue in PDX.

Ex. 5 - Deliberative Process

From: Narvaez, Madonna
Sent: Friday, February 5, 2016 9:25 AM
To: Elleman, Robert; Koprowski, Paul; Downey, Scott; Bray, Dave; Dossett, Donald
Cc: Islam, Mahbubul
Subject: RE: Heads up on emerging issue in PDX.

Ex. 5 - Deliberative Process

From: Elleman, Robert
Sent: Thursday, February 04, 2016 6:26 PM
To: Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>
Cc: Islam, Mahbubul <Islam.Mahbubul@epa.gov>
Subject: RE: Heads up on emerging issue in PDX.

Our resourceful James Lopez-Baird in OEA pulled together a list of all the glass manufacturers in our four R10 states. See the attachment.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

James says he can put all the information on an interactive GIS web page for us so we can explore it geographically for ourselves. He estimated he would get to it tomorrow morning.

From: Narvaez, Madonna
Sent: Thursday, February 04, 2016 12:50 PM
To: Elleman, Robert <Elleman.Robert@epa.gov<mailto:Elleman.Robert@epa.gov>>; Koprowski, Paul <Koprowski.Paul@epa.gov<mailto:Koprowski.Paul@epa.gov>>; Downey, Scott <Downey.Scott@epa.gov<mailto:Downey.Scott@epa.gov>>; Bray, Dave <Bray.Dave@epa.gov<mailto:Bray.Dave@epa.gov>>; Dossett, Donald <Dossett.Donald@epa.gov<mailto:Dossett.Donald@epa.gov>>
Subject: RE: Heads up on emerging issue in PDX.

Thanks, Rob. I am having trouble finding out how much glass they produce. I think with annual sales of \$19.8 M, it must be a lot.

From: Elleman, Robert
Sent: Thursday, February 04, 2016 11:30 AM
To: Koprowski, Paul <Koprowski.Paul@epa.gov<mailto:Koprowski.Paul@epa.gov>>; Downey, Scott

<Downey.Scott@epa.gov<mailto:Downey.Scott@epa.gov>>; Narvaez, Madonna
<Narvaez.Madonna@epa.gov<mailto:Narvaez.Madonna@epa.gov>>; Bray, Dave
<Bray.Dave@epa.gov<mailto:Bray.Dave@epa.gov>>; Dossett, Donald
<Dossett.Donald@epa.gov<mailto:Dossett.Donald@epa.gov>>
Subject: FW: Heads up on emerging issue in PDX.

Just sending you all the technical details I gathered this morning after speaking with Oregon DEQ's air emission inventory person.

- Bullseye may be the only source quite like this in Portland. There was another hot spot measured with moss on Swans Island but few details on that and less of a smoking gun.
- The NAICS for glass and glass product manufacturing is 32721. DEQ found a bunch of other companies in that category in Portland. See attachment GlassManufacturingfor Geoff.xlsx.
- The 6-digit SCC for glass manufacturing is 305014. There are a couple 8-digit SCCs that might be significant emitters similar to Bullseye.
- The person I talked to at DEQ doesn't think there would be helpful information in the NEI or in the air toxics database to help us find similar facilities in R10. He thought that searching for facilities through a NAICS database is the most promising avenue. He suggested ESRI's Business Analyst to accomplish such a task. He was interested in doing such a search for all of Oregon but ran into roadblock with software licenses.
- I may have a lead on how to access Business Analyst and do the search here in R10, but maybe you all have a better idea.
- Apparently Puget Sound Clean Air was notified of these results and may have already done a survey for their jurisdiction.

From: Hastings, Janis
Sent: Thursday, February 04, 2016 11:07 AM
To: Holsman, Marianne <Holsman.Marianne@epa.gov<mailto:Holsman.Marianne@epa.gov>>
Cc: Downey, Scott <Downey.Scott@epa.gov<mailto:Downey.Scott@epa.gov>>; Fleming, Sheila
<flaming.sheila@epa.gov<mailto:flaming.sheila@epa.gov>>; Narvaez, Madonna
<Narvaez.Madonna@epa.gov<mailto:Narvaez.Madonna@epa.gov>>; Bray, Dave
<Bray.Dave@epa.gov<mailto:Bray.Dave@epa.gov>>; Dossett, Donald
<Dossett.Donald@epa.gov<mailto:Dossett.Donald@epa.gov>>; Koprowski, Paul
<Koprowski.Paul@epa.gov<mailto:Koprowski.Paul@epa.gov>>; Pirzadeh, Michelle
<Pirzadeh.Michelle@epa.gov<mailto:Pirzadeh.Michelle@epa.gov>>; Elleman, Robert
<Elleman.Robert@epa.gov<mailto:Elleman.Robert@epa.gov>>
Subject: Re: Heads up on emerging issue in PDX.

In the interest of time, I'm sending the summary that we have so far from Paul Koprowski. Scott Downey may have an update later today.

As a result of a collaborative study to better understand the sources and distribution of arsenic and cadmium air pollution in Portland Oregon, DEQ found a significant "hot spot" at Southeast 22nd Ave. and Powell Boulevard. ODEQ, the Oregon Health Authority, Multnomah County Health Departments and ATSDR are working collaboratively to determine the impact to public health. Additional monitors are being deployed by ODEQ and the agency is about to release maps that outline the affected area. ODEQ will be posting the data summary to their website soon.

ODEQ issued a press release on Feb. 3rd about the findings. ODEQ has been working on refining and analyzing the data since it was first discovered in October. The initial findings are that the monthly average is 49 times greater than the state air toxics benchmark for cadmium and 159 times the DEQ air toxics benchmark for arsenic. ATSDR and OEA are evaluating the findings in relation to EPA health standards. Representatives from ATSDR are in Portland to assist in communicating the impact to the community.

The source is permitted as a minor source of air toxics emissions. ODEQ has confirmed they are in compliance with the permit. Bullseye Glass produces colored flat glass for use in the arts industry. Air contaminant control equipment at the facility includes a baghouse.

The neighborhood around Bullseye Glass includes residences, the Fred Meyer Corporate offices, a daycare and Cleveland High School, a variety of business and a park with a playing field and basketball court.

From: Holsman, Marianne
Sent: Thursday, February 4, 2016 10:46 AM
To: McLerran, Dennis; Pirzadeh, Michelle; Dunbar, Bill
Cc: Hastings, Janis; Smith, Judy; Downey, Scott
Subject: Heads up on emerging issue in PDX.

OCE and AWT are working on a hot issues write up on this and we are going to draft a reactive desk statement for press calls. I understand we are talking with ODEQ today on this matter. Stand by for more information. There are several other clips on this as a result of a DEQ news release of yesterday (attached).

<http://www.portlandmercury.com/BlogtownPDX/archives/2016/02/03/arsenic-cadmium-levels-near-two-se-portland-schools-are-alarmingly-high-state-finds>
[http://media2.fdncms.com/portmerc/imager/u/slideshow/17515972/1454535320-screen_shot_2016-02-01_at_5.02.53_pm.png]<http://www.portlandmercury.com/BlogtownPDX/archives/2016/02/03/arsenic-cadmium-levels-near-two-se-portland-schools-are-alarmingly-high-state-finds>>

State Finds Alarmingly High Arsenic, Cadmium Levels Near Two SE Portland Schools<http://www.portlandmercury.com/BlogtownPDX/archives/2016/02/03/arsenic-cadmium-levels-near-two-se-portland-schools-are-alarmingly-high-state-finds>
www.portlandmercury.com<<http://www.portlandmercury.com>>
GoogleA portion of the Bullseye Glass facility in SE Portland Within days, state officials are slated to release the alarming results of a monitoring program...

State Finds Alarming High Arsenic, Cadmium Levels Near Two SE Portland Schools

Posted by Daniel Forbes<<http://www.portlandmercury.com/portland/ArticleArchives?author=17515956>>
on Wed, Feb 3, 2016 at 2:06 PM

[A portion of the Bullseye Glass facility in SE Portland]

- Google
- A portion of the Bullseye Glass facility in SE Portland

Within days, state officials are slated to release the alarming results of a monitoring program of airborne heavy metals, including arsenic, conducted this past October in inner Southeast Portland, the Mercury has learned.

The state Department of Environmental Quality and the Oregon Health Authority plan to announce that DEQ data indicate a monthly average of 49 times the state air-safety benchmark level for the neurotoxin and carcinogen cadmium, and 159 times DEQ's air-safety goal for the carcinogen arsenic.

Though DEQ is still determining roughly how far these hazardous air pollutants (as they're officially known) have spread, most immediately at risk are two Portland schools—Cleveland High School and Winterhaven K-8— and a 100-child, private day care facility on the nearby Fred Meyer corporate campus that serves children as young as six weeks old.

The likely culprit for all this, say state officials: Bullseye Glass<<http://www.bullseyeglass.com/>>, which has its main factory at 3722 SE 21st. Founded in 1974, Bullseye is a sizable art and architectural glass manufacturer that boasts 140 employees at its Portland headquarters and operates satellite facilities north of Oakland, in Sante Fe, and in a suburb north of New York.

"I can say, yes, we're confident it's Bullseye," said Sarah Armitage, a DEQ air toxics specialist and the agency's point person on its investigation.

David Monroe, DEQ's air quality manager for the Northwest Region said: "Bullseye?—yes, I think it's the source of the cadmium and arsenic we found. It passes the straight-faced test."

Oddly enough, the way Oregon's environmental regulations are structured, there's not a thing DEQ can do to force Bullseye to alter its manufacturing processes and limit its toxic emissions. That's because the regulations are geared to much larger facilities—think companies that mass produce beer bottles—rather than high-end art glass manufacturers.

Under its state permit, the company is legally allowed to emit 10 tons of any given air pollutant a year, or 25 tons for any combination of two or more toxics spewing from their stacks. Those weights, expressed in tons, apply not to the physical raw material involved, but to the amount of aerosol emissions—the weight of the smoke, or smog, or plume.

According to an April 2011 DEQ "Discharge Permit Review Report," Bullseye used 6,000 pounds of hazardous raw materials in 2009, which would have made it impossible for its emissions to even approach 10 tons. The company's totally in the clear as far government limiting its activities—children across the road notwithstanding.

"They're in compliance with their permit," said Monroe. "DEQ can't stop them."

Armitage put it this way: "We're finding out the regs don't control the risk from glass."

Keith Dubanevich, an environmental attorney with Portland law firm Stoll Berne, offered this perspective: "Environmental regulations take place in one-size-fits all fashion." So small firms like Bullseye slip through the cracks. Ultimately this means, he added, "We as a society are willing to tolerate pollution."

Be that as it may, Stuart Batterman, a professor of both environmental health and environmental engineering at the University of Michigan, said, "That site needs to be brought under control."

According to that 2011 DEQ Bullseye permit review, "materials used at the facility may include arsenic trioxide, cadmium, selenium, chromium, and lead as coloring agents or to produce trade-mark characteristics in the glass." DEQ notes that Bullseye used 825 pounds of arsenic in 2009, much of it shoveled into a furnace to be melted along with all the other raw material to give some very nice glass its pretty color. The company website notes that it makes 27 different glass products that contain "more than 0.5% cadmium."

Bullseye founder and co-owner Daniel Schwoerer was reached by phone Monday afternoon, a short time after Monro left his building.

Shaken by just then learning DEQ's findings, Schwoerer said, "We were not aware of potential emissions. All I can say is we're a good citizen. We're concerned." He added, "I know we're in compliance with DEQ and other agencies.... We've done everything within the law to work with these materials."

Schwoerer referred the Mercury to a staffer he said had more technical expertise: Eric Durrin, who minds the company's finances. Durrin offered little beyond four or five robotic repetitions that "We operate our factory in full compliance with our discharge permit." Asked what equipment Bullseye had in place to limit fugitive emissions, he stated at least twice, "We handle our raw materials in a safe and professional manner." But Durrin was unfamiliar with the "baghouse" air pollution control device that DEQ requires his company deploy. (Monro inspected it on Monday and said it was in good shape.)

Durrin pointed to another Bullseye employee, Sam Andreacos, who he said was more involved in production, and would know better. Asked his awareness of cadmium as a neurotoxin that recent research indicates may be thought of as somewhat analogous to lead, Durrin said, "My training is in accounting."

Andreacos, a "glass chemist" with Bullseye, declined to speak with the Mercury, saying "I don't feel compelled to talk you." Neither Bullseye co-owner Schwoerer nor Durrin replied to questions about whether the company would commit to suspending its use of arsenic and cadmium.

Ultimately of course, any decision rests with the private company's co-owners Schwoerer and business and life partner Lani McGregor, who sits on the Portland Art Museum's board of trustees.

[An aerial view showing Bullseye Glass proximity to Fred Meyer corporate headquarters, a city park, and Cleveland High School]

- Google
- An aerial view showing Bullseye Glass's proximity to Fred Meyer corporate headquarters, a city park, and Cleveland High School

DEQ establishes safe air goals known as Ambient Benchmark Concentrations (ABCs); for cadmium the figure is 0.6 nanograms per cubic meter (ng/m³) of air; for arsenic, it's 0.2 ng/m³. The monthly average DEQ obtained in 18 samples it collected with the current gold-standard monitor from October 6 to November 2 was 29.4 ng/m³ for cadmium and 31.7 ng/m³ for arsenic according to Armitage.

On some days, depending, apparently, on Bullseye's production schedule, the amount of fugitive cadmium released just minimally exceeded Oregon's ABC safe-air goal of 0.6 ng/m³, Armitage said. But on any given day, the amount of cadmium impacting homes and schools and businesses might have far exceeded the already dire monthly averages mentioned above.

For instance, according to Armitage, the DEQ air monitor that spent the month in a Fred Meyer parking lot cheek-by-jowl with Bullseye obtained a daily cadmium level of 195 ng/m³; another day, the figure was 133 ng/m³. Those levels are 325 and 222-times DEQ's safe-air goal.

The three highest daily readings for arsenic were 101 ng/m³; 97 ng/m³; 93 ng/m³, according to another scientist involved in the monitoring. That's hundreds of times DEQ's safe-air goal for arsenic, based on its potential as a carcinogen, of 0.2 ng/m³.

It's unknown how constant October's dangerous levels have been over Bullseye's 42 years in business.

Aware of DEQ's findings, the Mercury reached out on Tuesday to the management of the day care facility at Fred Meyer's headquarters, KinderCare Education LLC, and alerted them to the toxic plume that washed regularly over the building—at least this past October.

KinderCare Health and Safety Director Stephanie Kuntz replied by email.

"We were caught entirely unaware that any testing had even occurred, and are horrified to hear that the testing apparently indicated that potentially harmful chemicals were present in the air at the time...." Kuntz wrote. "Until we know more about the state of the air and soil quality at the center and can assess the risks of exposure present, if any, we will keep children indoors."

Kuntz says her day care has reached out to the Multnomah County Health Department about the issue and has been told that new filters on its ventilation system will help.

"We are informed by them that proper filtration on an HVAC system should materially protect the air quality in our center," she wrote. "They did not recommend any additional actions in response to the issue at this time...."

Batterman, the University of Michigan professor, said new-generation HVAC filters "can reduce indoor concentrations of the toxic by two times or three times the levels of the outside, ambient air." Asked whether that should provide much reassurance to parents of kids exposed to cadmium levels 49 times the state benchmark and arsenic 159 times that level, he said no.

Batterman added that keeping children inside lowers exposure, but does not eliminate it. Asked about DEQ's findings in general, he termed cadmium and arsenic known carcinogens and said, "I'd be very concerned.... There are lots of potential effects."

Oddly enough, DEQ actually alerted Bullseye this past September that it was about to set up an air monitor close by. The agency informed Bullseye's Durrin.

To their credit, both the DEQ and the OHA have been working at a feverish pace since receiving October's data on January 20th. Once the Mercury independently learned of the unfolding disaster, both Armitage and Oregon Health Authority toxicologist David Farrer granted frank interviews.

In conjunction with the Multnomah County Health Department, both agencies will be informing the public of their findings. The delay is due to the formulation of "risk maps," which will indicate, to some degree, how far the cadmium and arsenic spread from its source.

That involves crunching the data from the Fred Meyer parking lot along with DEQ's air monitors located in St. Johns, at North Roselawn, and a third location. The maps should be completed this week, and then the public announcement will be made, perhaps Wednesday.

In fact, the agencies have taken tentative steps toward alerting the public. On Tuesday evening, after being questioned by the Mercury, the DEQ briefly posted a press release on its findings, which announced: "Preliminary data showing the existence of high levels of cadmium and arsenic in the air near S.E. 22nd Ave. and Powell Boulevard in Portland are prompting state agencies to investigate potential health risks from exposure to these metals."

The agency subsequently took the release down, and has since posted a shorter version<<http://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=963>>.

Portlanders can take some small comfort from the fact that there's no Flint-Michigan-drinking-water style cover-up here.

Armitage and her DEQ colleagues have been trying to determine the source of the elevated cadmium that has fouled Portland's air since at least 2004. She said, "We've been hunting for it for three years, and it looks like we found it."

DEQ was alerted to the likely source by a U.S. Forest Service study of air toxics that show up in moss. Once the initial data hit Armitage's desk two weeks ago, it's been all hands-on-deck, she says, to generate those risk maps that OHA wants so as not to unduly alarm all of Portland.

Still, any backyard gardeners growing leafy vegetables such as kale, which particularly leach up cadmium from the soil, well might consider eating no more till they get their soil tested.

Stoll Berne's attorney, Keith Dubanevich, said "If you're a homeowner living in the area, the argument can be made that your property value has decreased."

Daniel Forbes is the author of Derail this Train Wreck<<http://fomitepress.com/FOMITE/Derail.html>>. He lives in Portland, and can be reached at ddanforbes@aol.com<<mailto:ddanforbes@aol.com>>.

Marianne Holsman

Public Affairs Director

EPA Region 10

Desk: 206-553-

1237[data:image/png;base64,iVBORw0KGgoAAAANSUHEUgAAABAAAAAQCAAAAAf8/9hAAABckIEQVR4XpXTPUvDUBTH4aR2c2hBQXGpTiORhBcBOvgYKf0Awi+4Ggr1MVPllrYdnEpShddHlyLi6AVXVxsRRDRwbi4KNgu4IClv8i/i6QRDzycy+09555LqOI5nhEUptPoJe1iDHU8oYlrdW79m4QEbSLPexzslc8hDRm8YBjLpj4q8EgxQdab+MNd4ghhQ2adlc1+ORAFEnWWfTDRp7GDflmlslavKALLuqoqMGUCs4wHtagiQ5uc8kDyCOBKIP1k78QNTQZnMXCQRxWsbjl6iuskV41SQG2Gj9rikvcR1WcgKFDBa1LOEUK56hqv8BUFV3SGWkVS9JQ6Dsv4wQ1DKMPORUvkm78BhdQMI1CTa5l0yrcwSFqFD+SZ7DQeslkCG5S/JpkHYERQRmuNsrZ7Grc+Ef8/Bcoslkfae8Wc7CUHZ++TuAEBj86pHntjaDKXlIPy6PW/gkKFThwp/K87N8hDcQTTKKFTioSxqB8Q2BNX5JtAljwgAAAABJRU5ErkJggg==]

Cell: 206-450-

5895[data:image/png;base64,iVBORw0KGgoAAAANSUHEUgAAABAAAAAQCAAAAAf8/9hAAABckIEQVR4XpXTPUvDUBTH4aR2c2hBQXGpTiORhBcBOvgYKf0Awi+4Ggr1MVPllrYdnEpShddHlyLi6AVXVxsRRDRwbi4KNgu4IClv8i/i6QRDzycy+09555LqOI5nhEUptPoJe1iDHU8oYlrdW79m4QEbSLPexzslc8hDRm8YBjLpj4q8EgxQdab+MNd4ghhQ2adlc1+ORAFEnWWfTDRp7GDflmlslavKALLuqoqMGUCs4wHtagiQ5uc8kDyCOBKIP1k78QNTQZnMXCQRxWsbjl6iuskV41SQG2Gj9rikvcR1WcgKFDBa1LOEUK56hqv8BUFV3

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TioSxqB8Q2BNX5JtAljwgAAAABJRU5ErkJggg==]

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[<http://www.gthisgthat.com/wp-content/uploads/2014/03/google-plus-5-512.png>]
<<https://plus.google.com/+EPAgov/posts>>

To: McClintock, Katie[McClintock.Katie@epa.gov]
Cc: Hedgpeth, Zach[Hedgpeth.Zach@epa.gov]
From: Elleman, Robert
Sent: Fri 2/5/2016 4:19:37 PM
Subject: RE: Heads up on emerging issue in PDX.

Katie,

Thanks to Zach for letting me know you guys are on the case. I'm (was... past tense I think is better since I've just exhausted my usefulness) involved because I work with the technical folks at Oregon who made the measurements, and not because I know anything about glass manufacturing. Have you seen the original moss presentation? Here it is, just in case:
http://www.lar.wsu.edu/nw-airquest/docs/20150624_meeting/20150625_Donovan_moss.pdf. Oregon DEQ presented that to our NW-AIRQUEST (fed/state/local/tribal air quality scientists like me) last summer and said they would be following up with monitoring. And they did.

My expertise is in the meteorology and ambient air quality side of things. There are still a couple things I'd like to know about the project. Next time I talk to Anthony Barnack at Oregon DEQ, I plan to ask him what monitoring technique they used and also explore the geography to understand whether they were in the area of expected maximum contribution. And I plan to ask their dispersion modeler, Phil Allen, if he has plans to investigate other sources in Oregon. I won't need to get too involved because the group at DEQ is swift and will have it all under control.

I don't know who owns this project (I guess that's for managers to sort out), but it won't be me. If I find out any interesting tidbits or learn through the DEQ air quality scientists what other activities they are doing, I will let you know.

Rob

From: McClintock, Katie
Sent: Friday, February 05, 2016 7:16 AM
To: Hedgpeth, Zach <Hedgpeth.Zach@epa.gov>; Elleman, Robert <Elleman.Robert@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Islam, Mahbubul <Islam.Mahbubul@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>
Subject: RE: Heads up on emerging issue in PDX.

Thanks Zach for looping me in.

Others, this list is a good start but it includes both large glass manufacturers who don't use metals and people who do glass "fabrication" which involves turning regular flat glass into windows (coatings/cutting/etc). I will try to clean this list up so we have a more targeted list of people who do just this work. Is there a main person who would work with me on this? I can't tell from the chain who own this work but it seems very good to do.

Also, please keep me in the loop on future communications about this facility as I am the enforcement contact on this case (and also the national glass expert so I can probably help!).

Katie

From: Hedgpeth, Zach
Sent: Friday, February 05, 2016 6:40 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: Fw: Heads up on emerging issue in PDX.

Hi Katie -- here's another email discussion regarding the Bullseye Glass issue, in case you haven't seen this. It relates to ideas on finding any other similar situations.

From: Elleman, Robert
Sent: Thursday, February 4, 2016 6:28 PM
To: Hedgpeth, Zach
Subject: FW: Heads up on emerging issue in PDX.

I got started in this because of my connections to the technical people at DEQ who are involved in the project and because I happened to be at the air manager's meeting for Mahbubul yesterday. But really at some point this is better suited for someone like you. So, FYI on what my role has been and that I'm open to doing more or less, or nothing, depending on what you and others see fit.

From: Elleman, Robert
Sent: Thursday, February 04, 2016 6:25 PM
To: Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>
Cc: Mahbubul Islam <Islam.Mahbubul@epa.gov>
Subject: RE: Heads up on emerging issue in PDX.

Our resourceful James Lopez-Baird in OEA pulled together a list of all the glass manufacturers in our four R10 states. See the attachment.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

James says he can put all the information on an interactive GIS web page for us so we can explore it geographically for ourselves. He estimated he would get to it tomorrow morning.

From: Narvaez, Madonna
Sent: Thursday, February 04, 2016 12:50 PM
To: Elleman, Robert <Elleman.Robert@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>
Subject: RE: Heads up on emerging issue in PDX.

Thanks, Rob. I am having trouble finding out how much glass they produce. I think with annual sales of \$19.8 M, it must be a lot.

From: Elleman, Robert

Sent: Thursday, February 04, 2016 11:30 AM

To: Koprowski, Paul <Koprowski.Paul@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>;

Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>;

Dossett, Donald <Dossett.Donald@epa.gov>

Subject: FW: Heads up on emerging issue in PDX.

Just sending you all the technical details I gathered this morning after speaking with Oregon DEQ's air emission inventory person.

- Bullseye may be the only source quite like this in Portland. There was another hot spot measured with moss on Swans Island but few details on that and less of a smoking gun.
- The NAICS for glass and glass product manufacturing is 32721. DEQ found a bunch of other companies in that category in Portland. See attachment GlassManufacturingfor Geoff.xlsx.
- The 6-digit SCC for glass manufacturing is 305014. There are a couple 8-digit SCCs that might be significant emitters similar to Bullseye.
- The person I talked to at DEQ doesn't think there would be helpful information in the NEI or in the air toxics database to help us find similar facilities in R10. He thought that searching for facilities through a NAICS database is the most promising avenue. He suggested ESRI's Business Analyst to accomplish such a task. He was interested in doing such a search for all of Oregon but ran into roadblock with software licenses.
- I may have a lead on how to access Business Analyst and do the search here in R10, but maybe you all have a better idea.
- Apparently Puget Sound Clean Air was notified of these results and may have already done a survey for their jurisdiction.

From: Hastings, Janis

Sent: Thursday, February 04, 2016 11:07 AM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>

Cc: Downey, Scott <Downey.Scott@epa.gov>; Fleming, Sheila <fleming.sheila@epa.gov>;

Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>;
Dossett, Donald <Dossett.Donald@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>;
Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Elleman, Robert
<Elleman.Robert@epa.gov>

Subject: Re: Heads up on emerging issue in PDX.

In the interest of time, I'm sending the summary that we have so far from Paul Koprowski. Scott Downey may have an update later today.

As a result of a collaborative study to better understand the sources and distribution of arsenic and cadmium air pollution in Portland Oregon, DEQ found a significant "hot spot" at Southeast 22nd Ave. and Powell Boulevard. ODEQ, the Oregon Health Authority, Multnomah County Health Departments and ATSDR are working collaboratively to determine the impact to public health. Additional monitors are being deployed by ODEQ and the agency is about to release maps that outline the affected area. ODEQ will be posting the data summary to their website soon.

ODEQ issued a press release on Feb. 3rd about the findings. ODEQ has been working on refining and analyzing the data since it was first discovered in October. The initial findings are that the monthly average is 49 times greater than the state air toxics benchmark for cadmium and 159 times the DEQ air toxics benchmark for arsenic. ATSDR and OEA are evaluating the findings in relation to EPA health standards. Representatives from ATSDR are in Portland to assist in communicating the impact to the community.

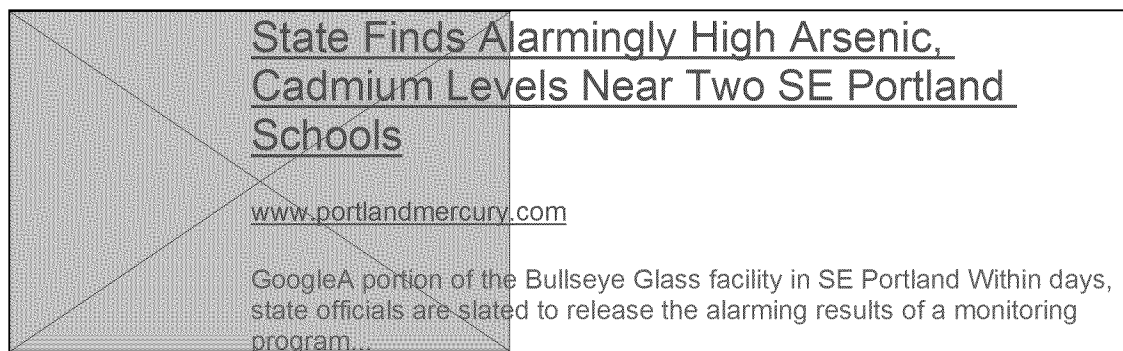
The source is permitted as a minor source of air toxics emissions. ODEQ has confirmed they are in compliance with the permit. Bullseye Glass produces colored flat glass for use in the arts industry. Air contaminant control equipment at the facility includes a baghouse.

The neighborhood around Bullseye Glass includes residences, the Fred Meyer Corporate offices, a daycare and Cleveland High School, a variety of business and a park with a playing field and basketball court.

From: Holsman, Marianne
Sent: Thursday, February 4, 2016 10:46 AM
To: McLerran, Dennis; Pirzadeh, Michelle; Dunbar, Bill
Cc: Hastings, Janis; Smith, Judy; Downey, Scott
Subject: Heads up on emerging issue in PDX.

OCE and AWT are working on a hot issues write up on this and we are going to draft a reactive desk statement for press calls. I understand we are talking with ODEQ today on this matter. Stand by for more information. There are several other clips on this as a result of a DEQ news release of yesterday (attached).

<http://www.portlandmercury.com/BlogtownPDX/archives/2016/02/03/arsenic-cadmium-levels-near-two-se-portland-schools-are-alarmingly-high-state-finds>



State Finds Alarmingly High Arsenic, Cadmium Levels Near Two SE Portland Schools

Posted by [Daniel Forbes](#) on Wed, Feb 3, 2016 at 2:06 PM

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Daniel Forbes is the author of [Derail this Train Wreck](#). He lives in Portland, and can be reached at ddanforbes@aol.com.

Marianne Holsman

Public Affairs Director

EPA Region 10

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Cell: 206-450-5895



Follow us!



To: Narvaez, Madonna[Narvaez.Madonna@epa.gov]
Cc: Holsman, Marianne[Holsman.Marianne@epa.gov]
From: McClintock, Katie
Sent: Thur 2/18/2016 4:44:56 AM
Subject: portland natts site

Where is the natts site in portland? I thought it was up at north Roselawn (or nearby there) which is quite a ways from uroboros. Can you confirm Madonna?

Ex. 5 - Deliberative Process

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Smith, Judy[Smith.Judy@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]
From: McClintock, Katie
Sent: Fri 2/12/2016 9:43:53 PM
Subject: RE: Portland Metals Emissions - EPA Desk Statement / Response to OPB inquiry Final

A few thoughts on the desk statement – though I realize it is final.

Ex. 5 - Deliberative Process

From: Smith, Judy
Sent: Friday, February 12, 2016 1:12 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; McLerran, Dennis <mclerran.dennis@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Philip, Jeff <Philip.Jeff@epa.gov>; Koprowski, Paul <Koprowski.Paul@epa.gov>; Franklin, Richard <Franklin.Richard@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>
Cc: DECONCINI Nina <DECONCINI.Nina@deq.state.or.us>; FLYNT Jennifer <FLYNT.Jennifer@deq.state.or.us>
Subject: FW: Portland Metals Emissions - EPA Desk Statement / Response to OPB inquiry Final

This is the final version of the desk statement for today! It was used for the headquarters response to OPB. Marianne and I will update as needed next week. Judy

Response to Oregon Public Broadcasting Inquiry

February 12, 2016

The Oregon Department of Environmental Quality found a significant “hot spot” of cadmium and arsenic during air sampling in Portland, Oregon near SE 22nd Ave. and Powell Blvd. DEQ is collecting additional air and soil samples in the affected area, and is working collaboratively with county, state and federal health agencies (Oregon Health Authority, Multnomah County Health Department, and the Agency for Toxic Substances and Disease Registry) to assess and mitigate impacts to public health. EPA is keeping fully informed about this developing situation and is ready to support and assist ODEQ as needed. EPA and ATSDR are evaluating these findings in relation to EPA health standards.

Additional information, including a link to air sampling data and a map of the affected area, can be found at: <http://www.deq.state.or.us/nwr/metalsemissions.htm>. DEQ's initial findings are that the monthly average is 49 times greater than the state air toxics benchmark for cadmium and 159 times the state air toxics benchmark for arsenic.

Questions and Answers

How is EPA involved and what is our role?

EPA Region 10 was briefed by DEQ one-week prior to their February 3, 2016 press release. DEQ is the lead agency for implementing the Clean Air Act in Oregon and we are supporting their efforts.

EPA Region 10 jointly inspected Bullseye Glass and Uroboros Glass facilities with DEQ on February 10, to better understand the processes being used and the pollution controls currently in place. This information will help us determine if further action is appropriate under EPA authority.

We are reviewing records to identify other potential sources in the affected area. Federal regional screening levels (RSL) are being compared with the DEQ state health benchmarks in relation to the amount of contamination found in the study to better understand the health impact. EPA continues to support the DEQ, OHA, MCHD and

ATSDR efforts to assess, monitor and communicate information as it becomes available.

Are we determining or confirming the air pollution and/or the source?

ODEQ is keeping EPA informed of their actions to monitor the situation and exposure levels. DEQ conducted air monitoring at nearby schools and day care centers. DEQ is conducting additional air and soil sampling is getting underway. EPA is providing DEQ with additional high volume air sampling equipment and filters to support this effort.

What federal air regulations apply to glass manufacturing facilities?

EPA has three national standards that potentially apply to glass manufacturing plants. Whether a standard applies can depend on a number of factors, such as startup date, type of furnace, and the amount of glass produced.

- A National Emissions Standards for Inorganic Arsenic Emissions from Glass Manufacturing Plants (issued in 1986), which set emissions limits of 2.7 tons per year for arsenic, or 85 percent control for existing glass-melting furnaces; for new or modified glass melting furnaces, the limit is 0.44 tons or 85 percent control.
- Standards of Performance for Glass Manufacturing Plants (issued in 1980), which set performance standards to limit emissions particulate matter (PM). Limiting particulate matter also limits emissions of lead and other toxic metals.

A 2007 National Emissions Standard Hazardous Air Pollutants for Glass Manufacturing Area Sources, which sets emissions limits for plants that emit less than 10 tons a year of a single air toxic, or less than 25 tons a year of a combination of toxics. Manufacturers subject to the 2007 standards must meet either a PM limit of 0.2 pounds of PM per ton of glass produced, or a limit of 0.02 pounds of metal air toxics per ton of glass produced.

What type of pollution controls should glass manufacturers use?

Because glass melts at a very high temperature, a glass facility would need to use multiple steps to control their metal emissions – including changing the pollutants from a vapor to a particle using cooling or specialized sorbents and then removing the particles using a control device such as an electrostatic precipitator or a baghouse.

Design of controls for these facilities is customized and complex and may include multiple types of control equipment based on the types of glass the facility is making and the pollutants the processes emit.

Do we know any more about the USFS role or study mentioned in the news media?

The study was a collaborative effort between US Forest Service and DEQ to better understand the sources and distribution of toxic metals, including arsenic and cadmium, air pollution in Portland. EPA has requested a copy of the study as soon as it is published.

1. After your inspection of Bullseye Glass in Portland, did you find the Part 63 SSSSSS rule should apply to Bullseye? Are its furnaces operating continuously or not? Did you find Bullseye has been wrongly exempted from some Clean Air Act regulations for glassmakers?

Ex. 5 - Deliberative Process

2. How confident are you that Bullseye is in compliance with CFR 61 subpart N? What indications do you have that the company might not be in compliance?

Ex. 5 - Deliberative Process

3. Have you inspected Uroboros Glass in Portland?

Ex. 5 - Deliberative Process

4. Have you inspected Spectrum Glass Woodinville?

Ex. 5 - Deliberative Process

5. If so, what did you find in those inspections with regard to how they handle metals and how much hazardous air pollution they are emitting?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

6. Are both companies in compliance with air quality rules?

Ex. 5 - Deliberative Process

7. Do you agree that Uroboros doesn't need any permit from Oregon DEQ and/or EPA?

Ex. 5 - Deliberative Process

8. Is Spectrum following all the Clean Air Act rules that apply to its facility?

Ex. 5 - Deliberative Process

9. Did you find pollution controls at Spectrum Glass that you didn't find at Bullseye Glass and Uroboros in Portland?

Ex. 5 - Deliberative Process

To: Johnson, Steffan[johnson.steffan@epa.gov]
From: McClintock, Katie
Sent: Tue 2/23/2016 5:08:31 AM
Subject: RE: Re: Bullseye Glass

Stef –

Thanks for joining today. Sorry I was unavailable for helping you to decide if you should attend.

From: Johnson, Steffan
Sent: Monday, February 22, 2016 11:57 AM
To: MONRO David <MONRO.David@deq.state.or.us>
Cc: McClintock, Katie <McClintock.Katie@epa.gov>; DAVIS.George@deq.state.or.us;
armitage.sarah@deq.state.or.us
Subject: RE: Re: Bullseye Glass

David,

Will you require my assistance /presence on the phone call this afternoon?

Stef

From: MONRO David [<mailto:MONRO.David@deq.state.or.us>]
Sent: Monday, February 22, 2016 2:51 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>; DAVIS George
<DAVIS.George@deq.state.or.us>; armitage.sarah@deq.state.or.us; Johnson, Steffan
<johnson.steffan@epa.gov>
Subject: FW: Re: Bullseye Glass

Call in info for those dialing in.

David Monro

Air Quality Manager, Northwest Region

office: 503.229.5160

cell: 503.793.9635

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From: Gold, Ivan (Perkins Coie) [<mailto:IGold@perkinscoie.com>]
Sent: Monday, February 22, 2016 10:41 AM
To: Hunter, Jeffrey (Perkins Coie); Garrahan Paul; MONRO David
Cc: Eric Durrin (ericdurrin@bullseyeglass.com); John Browning (jbrowning@bridgeh2o.com)
Subject: RE: Re: Bullseye Glass

Jeff, we are not using any hexavalent chromium. The discussion to day should make clear that trivalent chromium is not converted. If soil samples are giving concern, nothing we will do with our operations will exacerbate any situation.

Ivan Gold | Perkins Coie LLP

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C. +1 503.327.4881

F. +1.503.346.2214

E. IGold@perkinscoie.com

From: Hunter, Jeffrey (Perkins Coie)
Sent: Monday, February 22, 2016 10:39 AM
To: Garrahan Paul; MONRO David
Cc: Eric Durrin (ericdurrin@bullseyeglass.com); John Browning (jbrowning@bridgeh2o.com); Gold, Ivan (Perkins Coie)

Subject: Re: Bullseye Glass

Paul/Dave:

We are all set up for the meeting with Bullseye Glass at 2:00 pm.

I do not know who will be on the phone from EPA. We can use my call-in number and passcode if that is more convenient. The call-in number and passcode are:

Number: Ex. 6 - Personal Privacy

Passcode: Ex. 6 - Personal Privacy

I will need to initially dial-in but will not attend the meeting. Let me know if you are using a different call-in number so we can send it to our expert.

Thanks.

Jeffrey Hunter | Perkins Coie LLP

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To: Johnson, Steffan[johnson.steffan@epa.gov]
From: McClintock, Katie
Sent: Tue 2/23/2016 5:07:40 AM
Subject: RE: Meeting with Bullseye Glass

Thanks Stef –

Yeah I am in Portland. I think we have a few needs from those groups.

Ex. 5 - Deliberative Process

Thanks. I am still not sure what everyone does so I appreciate the help.

Katie

From: Johnson, Steffan
Sent: Monday, February 22, 2016 11:20 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: RE: Meeting with Bullseye Glass

Katie,

I just checked your VM and it states that you are out of the office. In case you are in Portland, I want to re-iterate that I have access to the Ambient measurement, source modeling, and inventory groups here at EPA. Just let me know your needs and we'll get you in touch with the right people.

Thanks,

Stef

From: McClintock, Katie
Sent: Friday, February 19, 2016 7:06 PM
To: Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: Meeting with Bullseye Glass

Thanks I'll send along to or deq.

From: Johnson, Steffan
Sent: Friday, February 19, 2016 4:05 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: Re: Meeting with Bullseye Glass

EPA Sw 846 0061 uses analytical method 7199.

Sent from my iPhone

On Feb 19, 2016, at 3:15 PM, McClintock, Katie <McClintock.Katie@epa.gov> wrote:

Sounds good and thanks for spending your Friday evening with us. I'm sure you had better options.

From: Johnson, Steffan
Sent: Friday, February 19, 2016 12:06 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>

Cc: Doolan, Stephanie <Doolan.Stephanie@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>
Subject: RE: Meeting with Bullseye Glass

That's fine. I'm available as a resource, and will respond if asked a direct question.

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Sent: Friday, February 19, 2016 2:34 PM
To: Johnson, Steffan <johnson.steffan@epa.gov>
Cc: Doolan, Stephanie <Doolan.Stephanie@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>
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And Stef, since you missed the premeet, the main takeaways

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Sent: Friday, February 19, 2016 11:21 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Dolan, Stephanie <Doolan.Stephanie@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>
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Sent: Friday, February 19, 2016 11:10 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Garrahan Paul <Paul.Garrahan@doj.state.or.us>
Subject: Re: Meeting with Bullseye Glass

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Jeffrey Hunter | Perkins Coie LLP

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To: McClintock, Katie[McClintock.Katie@epa.gov]; DAVIS George[DAVIS.George@deq.state.or.us]; armitage.sarah@deq.state.or.us[armitage.sarah@deq.state.or.us]; Johnson, Steffan[johnson.steffan@epa.gov]
From: MONRO David
Sent: Mon 2/22/2016 7:51:06 PM
Subject: FW: Re: Bullseye Glass

Call in info for those dialing in.

David Monro

Air Quality Manager, Northwest Region

office: 503.229.5160

cell: 503.793.9635

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From: Gold, Ivan (Perkins Coie) [mailto:IGold@perkinscoie.com]
Sent: Monday, February 22, 2016 10:41 AM
To: Hunter, Jeffrey (Perkins Coie); Garrahan Paul; MONRO David
Cc: Eric Durrin (ericdurrin@bullseyeglass.com); John Browning (jbrowning@bridgeh2o.com)
Subject: RE: Re: Bullseye Glass

Jeff, we are not using any hexavalent chromium. The discussion to day should make clear that trivalent chromium is not converted. If soil samples are giving concern, nothing we will do with our operations will exacerbate any situation.

Ivan Gold | Perkins Coie LLP

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Portland, OR 97209-4128

D. +1.503.727.2214

C. +1 503.327.4881

F. +1.503.346.2214

E. IGold@perkinscoie.com

From: Hunter, Jeffrey (Perkins Coie)
Sent: Monday, February 22, 2016 10:39 AM
To: Garrahan Paul; MONRO David
Cc: Eric Durrin (ericdurrin@bullseyeglass.com); John Browning (jbrowning@bridgeh2o.com); Gold, Ivan (Perkins Coie)
Subject: Re: Bullseye Glass

Paul/Dave:

We are all set up for the meeting with Bullseye Glass at 2:00 pm.

I do not know who will be on the phone from EPA. We can use my call-in number and passcode if that is more convenient. The call-in number and passcode are:

Number: Ex. 6 - Personal Privacy

Passcode: Ex. 6 - Personal Privacy

I will need to initially dial-in but will not attend the meeting. Let me know if you are using a different call-in number so we can send it to our expert.

Thanks.

Jeffrey Hunter | Perkins Coie LLP

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To: Johnson, Steffan[johnson.steffan@epa.gov]
From: McClintock, Katie
Sent: Sat 2/20/2016 12:06:09 AM
Subject: RE: Meeting with Bullseye Glass

Thanks I'll send along to or deq.

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Sent: Friday, February 19, 2016 4:05 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>
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Sent from my iPhone

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From: Doolan, Stephanie
Sent: Fri 2/19/2016 8:29:11 PM
Subject: RE: Meeting with Bullseye Glass

ERG conducted CrVI method development which we relied upon.

From: Narvaez, Madonna
Sent: Friday, February 19, 2016 2:27 PM
To: Doolan, Stephanie <Doolan.Stephannie@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>
Subject: RE: Meeting with Bullseye Glass

I've been reading the article you sent on Cr+6. I haven't looked yet, but I was wondering if there had been anything done since 1988 when the report was written?

From: Doolan, Stephanie
Sent: Friday, February 19, 2016 12:24 PM
To: Johnson, Steffan <johnson.steffan@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Narvaez, Madonna <Narvaez.Madonna@epa.gov>
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Cc: Narvaez, Madonna[Narvaez.Madonna@epa.gov]
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Sent: Fri 2/19/2016 8:24:23 PM
Subject: RE: Meeting with Bullseye Glass

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Cc: Doolan, Stephanie[Doolan.Stephanie@epa.gov]
From: Narvaez, Madonna
Sent: Fri 2/19/2016 7:40:42 PM
Subject: RE: Meeting with Bullseye Glass

Also, there is a chrome plater in the area, but they don't use cadmium and appear to be well controlled.

From: McClintock, Katie
Sent: Friday, February 19, 2016 11:34 AM
To: Johnson, Steffan <johnson.steffan@epa.gov>
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To: Johnson, Steffan[johnson.steffan@epa.gov]
Cc: Doolan, Stephanie[Doolan.Stephanie@epa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]
From: McClintock, Katie
Sent: Fri 2/19/2016 7:34:17 PM
Subject: RE: Meeting with Bullseye Glass

And Stef, since you missed the premeet, the main takeaways

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Johnson, Steffan
Sent: Friday, February 19, 2016 11:21 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Doolan, Stephanie <Doolan.Stephanie@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>
Subject: Re: Meeting with Bullseye Glass

Thank you!

Sent from my iPhone

On Feb 19, 2016, at 2:20 PM, McClintock, Katie <McClintock.Katie@epa.gov> wrote:

Amended call in number and presentation for our call at 2.

From: Hunter, Jeffrey (Perkins Coie) [mailto:JHunter@perkinscoie.com]
Sent: Friday, February 19, 2016 11:10 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Garrahan Paul <Paul.Garrahan@doj.state.or.us>
Subject: Re: Meeting with Bullseye Glass

Katie:

I just left a message.

In order for the folks on the phone to see the slides, we need to set up a live video link.

Below is the information.

Please note there is a different call-in number. I do not know who from EPA is attending so please circulate.

Jeffrey Hunter | Perkins Coie LLP

1120 N.W. Couch Street Tenth Floor

Portland, OR 97209-4128

D. +1.503.727.2265 – Portland

D. +1.303.291.2315 – Denver

M. +1.303.514.1896

F. +1.503.346.2265

E. JHunter@perkinscoie.com

Selected as 2015 “Law Firm of the Year” in Environmental Law by U.S. News – Best Lawyers® “Best Law Firms”

To join via Browser:

Ex. 6 - Personal Privacy

To join via Phone:

1) Dial:

+1 **Ex. 6 - Personal Privacy** (US Toll Free)

+1 **Ex. 6 - Personal Privacy** (Alternate number)

2) Enter Conference ID: **Ex. 6 - Personal Privacy**

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To: McClintock, Katie[McClintock.Katie@epa.gov]; Johnson, Steffan[johnson.steffan@epa.gov]; Doolan, Stephanie[Doolan.Stephanie@epa.gov]
From: Narvaez, Madonna
Sent: Fri 2/19/2016 7:22:44 PM
Subject: RE: Meeting with Bullseye Glass

Thanks!

From: McClintock, Katie
Sent: Friday, February 19, 2016 11:20 AM
To: Johnson, Steffan <johnson.steffan@epa.gov>; Doolan, Stephanie <Doolan.Stephanie@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>
Subject: FW: Meeting with Bullseye Glass

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From: Hunter, Jeffrey (Perkins Coie) [<mailto:JHunter@perkinscoie.com>]
Sent: Friday, February 19, 2016 11:10 AM
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From: McClintock, Katie
Sent: Fri 2/19/2016 7:20:24 PM
Subject: FW: Meeting with Bullseye Glass

Amended call in number and presentation for our call at 2.

From: Hunter, Jeffrey (Perkins Coie) [mailto:JHunter@perkinscoie.com]
Sent: Friday, February 19, 2016 11:10 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
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Cc: FLYNT Jennifer[jennifer.flynt@state.or.us]; DECONCINI Nina[nina.deconcini@state.or.us]; GARRAHAN Paul[Paul.GARRAHAN@state.or.us]; VROOMAN Gary L[Gary.L.VROOMAN@state.or.us]
From: DAVIS George
Sent: Fri 2/19/2016 5:16:29 PM
Subject: RE: Friday Bullseye glass meeting and pre-meeting
[Pre-meeting 2-19-16.docx](#)

Hello everyone,

Attached is an agenda/discussion guide for today's pre-meeting at 10:00. The agenda is also pasted into this email so you can either print the email or the attached doc.

Pre-meeting, 10:00 am

1.) Conference line number: Ex. 6 - Personal Privacy

2.) Access code: Ex. 6 - Personal Privacy

Bullseye meeting, 2:00 pm

Dial-in Phone Number: Ex. 6 - Personal Privacy

Passcode: Ex. 6 - Personal Privacy

Pre-meeting agenda/discussion doc

General structure of the call: Non-technical discussions first, technical discussions (if any) after.

1. We expect Bullseye to:
 - a. Argue they are not the major or only source of metals;
 - b. Argue in favor of restarting production of chromium-containing glass;

- c. Present technical information supporting their argument; and
- d. MIGHT ask: Under what circumstances will DEQ agree to allow use of chromium (or any other metal of concern)?

2. Meeting could involve 4 different discussion topics:

- a. Legal – Limits of DEQ’s authority, right to operate
- b. Technical – DEQ’s basis for declaring Bullseye the most likely source of the metals emissions
- c. Technical – Information regarding hexavalent chromium emissions (or lack of emissions)
- d. Technical/legal – Under what circumstances will DEQ agree to allow use of chromium (or any other metal of concern)? May involve:
 - i. Technical constraints on operation; and
 - ii. Legal mechanism (Mutual Agreement and Order)

3. Identify discussion leads

- a. Legal – Limits of DEQ’s authority, right to operate

Dick Pedersen, Paul Garrahan/Gary Vrooman, _____

- b. Technical – DEQ’s basis for declaring Bullseye the most likely source of the metals emissions

Sarah Armitage, David Monro, _____

- c. Technical – Information regarding hexavalent chromium emissions (or lack of emissions)

EPA – Steffan Johnson, ????, _____

- d. Technical/legal – Under what circumstances will DEQ agree to allow use of chromium (or any other metal of concern)?

Dick Pedersen, David Monro, _____

4. Discuss DEQ's/state's/EPA's overall approach to these discussions

5. Discuss desired outcomes

6. Other items? Fluorides, other metals, other? _____

End meeting

George Davis

DEQ

503-229-5534

To: 'DAVIS George'[george.davis@state.or.us]; PEDERSEN Dick[Dick.PEDERSEN@state.or.us]; GOLDFARB Gabriela * GOV (Gabriela.GOLDFARB@oregon.gov)[Gabriela.GOLDFARB@oregon.gov]; MONRO David[David.MONRO@state.or.us]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Doolan, Stephanie[Doolan.Stephanie@epa.gov]; McClintock, Katie[McClintock.Katie@epa.gov]; McCullough, Hugh[McCullough.Hugh@epa.gov]; Johnson, Steffan[johnson.steffan@epa.gov]; ARMITAGE Sarah[sarah.armitage@state.or.us]
Cc: FLYNT Jennifer[jennifer.flynt@state.or.us]; FELDON Leah[leah.feldon@state.or.us]; DECONCINI Nina[nina.deconcini@state.or.us]; GARRAHAN Paul[Paul.GARRAHAN@state.or.us]
From: PEDERSEN Dick
Sent: Fri 2/19/2016 3:31:17 PM
Subject: RE: Friday Bullseye glass meeting and pre-meeting

Thank you George.

I unfortunately will not be able to attend the pre-meeting. I am free from 1:00 to 2:00 and if you or others want to come to my office to summarize the pre-meeting that would be great. Then we can head to the meeting together.

Dick

Dick Pedersen

Director

Oregon Dept. of Environmental Quality

811 SW 6th Ave.

Portland, OR 97204

(503) 229-5300

pedersen.dick@deq.state.or.us

[Follow DEQ on Twitter](#) [Find DEQ on Facebook](#)

From: DAVIS George [mailto:george.davis@state.or.us]
Sent: Thursday, February 18, 2016 4:17 PM
To: 'DAVIS George'; PEDERSEN Dick; GOLDFARB Gabriela * GOV (Gabriela.GOLDFARB@oregon.gov); MONRO David; Narvaez, Madonna; Doolan, Stephanie;

McClintock, Katie; McCullough, Hugh; Johnson, Steffan; ARMITAGE Sarah
Cc: FLYNT Jennifer; FELDON Leah; DECONCINI Nina; GARRAHAN Paul
Subject: RE: Friday Bullseye glass meeting and pre-meeting

Hello everyone,

We now have the call-in info for the 2:00 pm Bullseye meeting; thanks, Paul. Both call-in numbers below:

Pre-meeting, 10:00 am

1.) Conference line number: Ex. 6 - Personal Privacy

2.) Access code: Ex. 6 - Personal Privacy

Bullseye meeting, 2:00 pm

Dial-in Phone Number: Ex. 6 - Personal Privacy

Passcode: Ex. 6 - Personal Privacy

Apologies to those who got this twice.

George

From: DAVIS George [<mailto:george.davis@state.or.us>]

Sent: Thursday, February 18, 2016 3:44 PM

To: 'DAVIS George'; PEDERSEN Dick; GOLDFARB Gabriela * GOV
(Gabriela.GOLDFARB@oregon.gov); MONRO David; Narvaez, Madonna; Doolan, Stephanie;

McClintock, Katie; McCullough, Hugh; Johnson, Steffan; ARMITAGE Sarah

Cc: FLYNT Jennifer; FELDON Leah; DECONCINI Nina; GARRAHAN Paul

Subject: RE: Friday Bullseye glass meeting and pre-meeting

Hello everyone,

Here is the call-in number and code for the 10:00 am pre-meeting. DEQ will be the host.

3.) **Conference line number:** Ex. 6 - Personal Privacy

4.) **Access code:** Ex. 6 - Personal Privacy

No information yet on the call-in for the afternoon Bullseye/PC meeting.

Thanks,

George

From: DAVIS George [<mailto:george.davis@state.or.us>]

Sent: Thursday, February 18, 2016 1:14 PM

To: PEDERSEN Dick; GOLDFARB Gabriela * GOV (Gabriela.GOLDFARB@oregon.gov); MONRO David; DAVIS George; Narvaez, Madonna; Doolan, Stephanie; McClintock, Katie; McCullough, Hugh; Johnson, Steffan; ARMITAGE Sarah

Cc: DAVIS George; FLYNT Jennifer; FELDON Leah; DECONCINI Nina; GARRAHAN Paul

Subject: Friday Bullseye glass meeting and pre-meeting

Hello everyone,

In anticipation of the Friday afternoon meeting between Bullseye Glass and their attorneys Perkins Coie (Bullseye/PC), and DEQ, DOJ and the Governor's Office staff, DEQ has scheduled a pre-meeting Friday morning to discuss the Bullseye/PC meeting. We apologize for the late notice, we know many of you have full schedules and won't be able to make it, but we ask that those who can please do so. We don't have an agenda yet, but hope to have something by the time the pre-meeting begins. The main purpose of this email is to get this on your calendars.

Pre-meeting date, time and location: Friday, 2/19, 10:00 am – 12:00 am (hopefully shorter than that) DEQ NWR office (700 NE Multnomah, 6th floor), room 601

We do not have a call-in number set up yet, we'll try to get that done before the pre-meeting and will forward the number to everyone in the morning.

Meeting date, time and location: Friday, 2/19, 2:00 pm – 4:00 pm, Perkins Coie office, 1120 NW Couch St., Portland, 10th floor

We do not have call-in information yet, but understand a call-in line will be set up. Again, we'll forward that information when we get it.

Important odds and ends:

The meeting with Bullseye/PC appears to involve discussion of both technical and non-technical topics. DEQ regards EPA's participation for the technical discussion as critical; however, we don't know how Bullseye/PC will feel about EPA's participation. If they object, we will have to figure out what to do on the fly.

Sarah, we hope you can attend the pre-meeting, and hope you will be able to call in for the afternoon Bullseye/PC meeting.

Possible/probable topics at the Bullseye/PC meeting:

Bullseye/PC requested the following from DEQ:

- To explain how the emissions data links Bullseye as the source of the emissions; and
- To provide the backup laboratory data that supports the air emissions sampling results that have been provided to them.

Suggested goals for the meeting from DEQ side:

- Listen and continue to build a cooperative, effective relationship;

- Provide the information we can to support our concerns about the health impacts of air emissions from Bullseye;
- Secure a longer commitment not to use any chromium, assuming we are not able to resolve the conversion, until we are able to reach a confident conclusion about risks;
- Confirm ongoing commitment not to use cadmium or arsenic;
- Start discussion about whether control technology option exists to control cadmium and arsenic emissions (and chromium, if necessary), or figure out a timeline and next steps toward resolving that question, and a discussion of technical and other state assistance that may be available to that end; and
- If we start to get a sense of a timeline and length of commitments Bullseye and we are making, start talking about documenting our commitments in writing, including a method to monitor to be able to provide public assurances that such agreement is being complied with.

Again, our apologies for the late notice and scant information, we hope to get things better sorted as the time gets closer.

George Davis

DEQ

503-229-5534

To: DAVIS George[George.DAVIS@state.or.us]; DAVIS George[George.DAVIS@state.or.us]; PEDERSEN Dick[Dick.PEDERSEN@state.or.us]; GOLDFARB Gabriela * GOV (Gabriela.GOLDFARB@oregon.gov)[Gabriela.GOLDFARB@oregon.gov]; MONRO David[David.MONRO@state.or.us]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Doolan, Stephanie[Doolan.Stephanie@epa.gov]; McClintock, Katie[McClintock.Katie@epa.gov]; McCullough, Hugh[McCullough.Hugh@epa.gov]; Johnson, Steffan[johnson.steffan@epa.gov]; ARMITAGE Sarah[Sarah.ARMITAGE@state.or.us]
Cc: FLYNT Jennifer[Jennifer.FLYNT@state.or.us]; FELDON Leah[Leah.FELDON@state.or.us]; DECONCINI Nina[Nina.DECONCINI@state.or.us]; GARRAHAN Paul[Paul.GARRAHAN@state.or.us]
From: Garrahan Paul
Sent: Fri 2/19/2016 12:22:17 AM
Subject: RE: Friday Bullseye glass meeting and pre-meeting

For everyone who will call into the 2pm meeting tomorrow with Bullseye, I you should call in at 2pm Pacific Time, although be prepared to sit through introductions and Bullseye's initial presentation before getting to a full technical discussion. Bullseye intends to start the meeting by presenting and summarizing the data it sent to DEQ last night, making its case that it may not be the source of all of the emissions identified via DEQ sampling. Bullseye's attorney raised a question about whether technical folks could join the meeting 20-30 minutes after it started, but I think it makes sense for everyone to hear the whole discussion, to understand the context and because I suspect technical issues will be raised in Bullseye's presentation.

Bullseye will have the same folks at this meeting as attended our meeting last Friday, including Bullseye President Dan Schwoerer and a couple others from senior management, 2-3 attorneys, public relations staff, and technical consultants from the Bridgewater Group (John Browning and likely another engineer). They also hope to have another technical consultant who is a "glass expert" participate by telephone.

Paul Garrahan

Oregon Department of Justice

971.673.1943 (Tue, Thu, Fri) (Portland)

503.947.4593 (Mon, Wed) (Salem)

503.929.7553 (Mobile)

From: DAVIS George [mailto:george.davis@state.or.us]
Sent: Thursday, February 18, 2016 3:44 PM
To: DAVIS George; PEDERSEN Dick; GOLDFARB Gabriela * GOV (Gabriela.GOLDFARB@oregon.gov); MONRO David; Narvaez, Madonna; Doolan, Stephanie; McClintock, Katie; McCullough, Hugh; Johnson, Steffan; ARMITAGE Sarah

Cc: FLYNT Jennifer; FELDON Leah; DECONCINI Nina; GARRAHAN Paul

Subject: RE: Friday Bullseye glass meeting and pre-meeting

Hello everyone,

Here is the call-in number and code for the 10:00 am pre-meeting. DEQ will be the host.

1.) **Conference line number** Ex. 6 - Personal Privacy

2.) **Access code** Ex. 6 - Personal Privacy

No information yet on the call-in for the afternoon Bullseye/PC meeting.

Thanks,

George

From: DAVIS George [mailto:george.davis@state.or.us]

Sent: Thursday, February 18, 2016 1:14 PM

To: PEDERSEN Dick; GOLDFARB Gabriela * GOV (Gabriela.GOLDFARB@oregon.gov); MONRO David; DAVIS George; Narvaez, Madonna; Doolan, Stephanie; McClintock, Katie; McCullough, Hugh; Johnson, Steffan; ARMITAGE Sarah

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- To provide the backup laboratory data that supports the air emissions sampling results that have been provided to them.

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George Davis

DEQ

503-229-5534

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Cc: FLYNT Jennifer[jennifer.flynt@state.or.us]; FELDON Leah[leah.feldon@state.or.us]; DECONCINI Nina[nina.deconcini@state.or.us]; GARRAHAN Paul[Paul.GARRAHAN@state.or.us]
From: DAVIS George
Sent: Fri 2/19/2016 12:16:47 AM
Subject: RE: Friday Bullseye glass meeting and pre-meeting

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1.) Conference line number: Ex. 6 - Personal Privacy

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- To provide the backup laboratory data that supports the air emissions sampling

results that have been provided to them.

Suggested goals for the meeting from DEQ side:

- Listen and continue to build a cooperative, effective relationship;
- Provide the information we can to support our concerns about the health impacts of air emissions from Bullseye;
- Secure a longer commitment not to use any chromium, assuming we are not able to resolve the conversion, until we are able to reach a confident conclusion about risks;
- Confirm ongoing commitment not to use cadmium or arsenic;
- Start discussion about whether control technology option exists to control cadmium and arsenic emissions (and chromium, if necessary), or figure out a timeline and next steps toward resolving that question, and a discussion of technical and other state assistance that may be available to that end; and
- If we start to get a sense of a timeline and length of commitments Bullseye and we are making, start talking about documenting our commitments in writing, including a method to monitor to be able to provide public assurances that such agreement is being complied with.

Again, our apologies for the late notice and scant information, we hope to get things better sorted as the time gets closer.

George Davis

DEQ

503-229-5534

To: 'DAVIS George'[george.davis@state.or.us]; PEDERSEN Dick[Dick.PEDERSEN@state.or.us]; GOLDFARB Gabriela * GOV (Gabriela.GOLDFARB@oregon.gov)[Gabriela.GOLDFARB@oregon.gov]; MONRO David[David.MONRO@state.or.us]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Doolan, Stephanie[Doolan.Stephanie@epa.gov]; McClintock, Katie[McClintock.Katie@epa.gov]; McCullough, Hugh[McCullough.Hugh@epa.gov]; Johnson, Steffan[johnson.steffan@epa.gov]; ARMITAGE Sarah[sarah.armitage@state.or.us]
Cc: FLYNT Jennifer[jennifer.flynt@state.or.us]; FELDON Leah[leah.feldon@state.or.us]; DECONCINI Nina[nina.deconcini@state.or.us]; GARRAHAN Paul[Paul.GARRAHAN@state.or.us]
From: DAVIS George
Sent: Thur 2/18/2016 11:43:50 PM
Subject: RE: Friday Bullseye glass meeting and pre-meeting

Hello everyone,

Here is the call-in number and code for the 10:00 am pre-meeting. DEQ will be the host.

1.) **Conference line number:** Ex. 6 - Personal Privacy

2.) **Access code:** Ex. 6 - Personal Privacy

No information yet on the call-in for the afternoon Bullseye/PC meeting.

Thanks,

George

From: DAVIS George [mailto:george.davis@state.or.us]
Sent: Thursday, February 18, 2016 1:14 PM
To: PEDERSEN Dick; GOLDFARB Gabriela * GOV (Gabriela.GOLDFARB@oregon.gov); MONRO David; DAVIS George; Narvaez, Madonna; Doolan, Stephanie; McClintock, Katie; McCullough, Hugh; Johnson, Steffan; ARMITAGE Sarah
Cc: DAVIS George; FLYNT Jennifer; FELDON Leah; DECONCINI Nina; GARRAHAN Paul
Subject: Friday Bullseye glass meeting and pre-meeting

Hello everyone,

In anticipation of the Friday afternoon meeting between Bullseye Glass and their attorneys Perkins Coie (Bullseye/PC), and DEQ, DOJ and the Governor's Office staff, DEQ has scheduled a pre-meeting Friday morning to discuss the Bullseye/PC meeting. We apologize for the late notice, we know many of you have full schedules and won't be able to make it, but we ask that those who can please do so. We don't have an agenda yet, but hope to have something by the time the pre-meeting begins. The main purpose of this email is to get this on your calendars.

Pre-meeting date, time and location: Friday, 2/19, 10:00 am – 12:00 am (hopefully shorter than that) DEQ NWR office (700 NE Multnomah, 6th floor), room 601

We do not have a call-in number set up yet, we'll try to get that done before the pre-meeting and will forward the number to everyone in the morning.

Meeting date, time and location: Friday, 2/19, 2:00 pm – 4:00 pm, Perkins Coie office, 1120 NW Couch St., Portland, 10th floor

We do not have call-in information yet, but understand a call-in line will be set up. Again, we'll forward that information when we get it.

Important odds and ends:

The meeting with Bullseye/PC appears to involve discussion of both technical and non-technical topics. DEQ regards EPA's participation for the technical discussion as critical; however, we don't know how Bullseye/PC will feel about EPA's participation. If they object, we will have to figure out what to do on the fly.

Sarah, we hope you can attend the pre-meeting, and hope you will be able to call in for the afternoon Bullseye/PC meeting.

Possible/probable topics at the Bullseye/PC meeting:

Bullseye/PC requested the following from DEQ:

- To explain how the emissions data links Bullseye as the source of the emissions; and
- To provide the backup laboratory data that supports the air emissions sampling results that have been provided to them.

Suggested goals for the meeting from DEQ side:

- Listen and continue to build a cooperative, effective relationship;
- Provide the information we can to support our concerns about the health impacts of air emissions from Bullseye;
- Secure a longer commitment not to use any chromium, assuming we are not able to resolve the conversion, until we are able to reach a confident conclusion about risks;
- Confirm ongoing commitment not to use cadmium or arsenic;
- Start discussion about whether control technology option exists to control cadmium and arsenic emissions (and chromium, if necessary), or figure out a timeline and next steps toward resolving that question, and a discussion of technical and other state assistance that may be available to that end; and
- If we start to get a sense of a timeline and length of commitments Bullseye and we are making, start talking about documenting our commitments in writing, including a method to monitor to be able to provide public assurances that such agreement is being complied with.

Again, our apologies for the late notice and scant information, we hope to get things better sorted as the time gets closer.

George Davis

DEQ

503-229-5534

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Johnson, Steffan
Sent: Mon 2/22/2016 7:19:53 PM
Subject: RE: Meeting with Bullseye Glass

Katie,

I just checked your VM and it states that you are out of the office. In case you are in Portland, I want to re-iterate that I have access to the Ambient measurement, source modeling, and inventory groups here at EPA. Just let me know your needs and we'll get you in touch with the right people.

Thanks,

Stef

From: McClintock, Katie
Sent: Friday, February 19, 2016 7:06 PM
To: Johnson, Steffan <johnson.steffan@epa.gov>
Subject: RE: Meeting with Bullseye Glass

Thanks I'll send along to or deq.

From: Johnson, Steffan
Sent: Friday, February 19, 2016 4:05 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: Re: Meeting with Bullseye Glass

EPA Sw 846 0061 uses analytical method 7199.

Sent from my iPhone

On Feb 19, 2016, at 3:15 PM, McClintock, Katie <McClintock.Katie@epa.gov> wrote:

Sounds good and thanks for spending your Friday evening with us. I'm sure you had better options.

From: Johnson, Steffan
Sent: Friday, February 19, 2016 12:06 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Doolan, Stephanie <Doolan.Stephanie@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>
Subject: RE: Meeting with Bullseye Glass

That's fine. I'm available as a resource, and will respond if asked a direct question.

Thanks!

From: McClintock, Katie
Sent: Friday, February 19, 2016 2:34 PM
To: Johnson, Steffan <johnson.steffan@epa.gov>
Cc: Doolan, Stephanie <Doolan.Stephanie@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>
Subject: RE: Meeting with Bullseye Glass

And Stef, since you missed the premeet, the main takeaways:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Johnson, Steffan
Sent: Friday, February 19, 2016 11:21 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Dolan, Stephanie <Doolan.Stephanie@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>
Subject: Re: Meeting with Bullseye Glass

Thank you!

Sent from my iPhone

On Feb 19, 2016, at 2:20 PM, McClintock, Katie <McClintock.Katie@epa.gov> wrote:

Amended call in number and presentation for our call at 2.

From: Hunter, Jeffrey (Perkins Coie) [<mailto:JHunter@perkinscoie.com>]
Sent: Friday, February 19, 2016 11:10 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Garrahan Paul <Paul.Garrahan@doj.state.or.us>
Subject: Re: Meeting with Bullseye Glass

Katie:

I just left a message.

In order for the folks on the phone to see the slides, we need to set up a live video link.

Below is the information.

Please note there is a different call-in number. I do not know who from EPA is attending so please circulate.

Jeffrey Hunter | Perkins Coie LLP

1120 N.W. Couch Street Tenth Floor

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To join via Browser:

Ex. 6 - Personal Privacy

To join via Phone:

1) Dial:

+1 **Ex. 6 - Personal Privacy** US Toll Free)

+1 **Ex. 6 - Personal Privacy** Alternate number)

2) Enter Conference ID: **Ex. 6 - Personal Privacy**

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Johnson, Steffan
Sent: Sat 2/20/2016 12:32:53 AM
Subject: Re: Meeting with Bullseye Glass

Also, I'm happy to engage our modeling and inventory groups if reg x or odeq need that assistance.

Sent from my iPhone

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Thanks!

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To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Johnson, Steffan
Sent: Sat 2/20/2016 12:05:11 AM
Subject: Re: Meeting with Bullseye Glass

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Cc: Doolan, Stephanie[Doolan.Stephanie@epa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]
From: Johnson, Steffan
Sent: Fri 2/19/2016 8:06:04 PM
Subject: RE: Meeting with Bullseye Glass

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Cc: Doolan, Stephanie[Doolan.Stephanie@epa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]
From: Johnson, Steffan
Sent: Fri 2/19/2016 7:21:28 PM
Subject: Re: Meeting with Bullseye Glass

Thank you!

Sent from my iPhone

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From: Johnson, Steffan
Location: 1 Ex. 6 - Personal Privacy code: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Accepted: call to discuss data received by bullseye
Start Date/Time: Fri 2/19/2016 5:30:00 PM
End Date/Time: Fri 2/19/2016 6:00:00 PM

To: Kowalski, Ed[Kowalski.Edward@epa.gov]
From: McClintock, Katie
Sent: Sun 3/6/2016 7:45:40 PM
Subject: Re: Color Glass Daily Update 3-4-16

Yes. Sorry I missed your call. I can make myself available I think.

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Sent from my iPhone

On Mar 6, 2016, at 11:29 AM, Kowalski, Ed <Kowalski.Edward@epa.gov> wrote:

Katie, are you available for a call with ODEQ today (Sunday)?

Sent from my iPhone

On Mar 4, 2016, at 11:04 PM, McClintock, Katie <McClintock.Katie@epa.gov> wrote:

https://usepa-my.sharepoint.com/personal/mcclintock_katie_epa_gov/Documents/Colored%20Glass

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

<Daily Update 3-4-16.docx>

<Media Monitoring Report Metal Release 03.04.2016.docx>

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Kowalski, Ed
Sent: Sun 3/6/2016 7:47:33 PM
Subject: Re: Color Glass Daily Update 3-4-16

That's great, Katie. I will forward the msg with the phone no.

Sent from my iPhone

On Mar 6, 2016, at 11:45 AM, McClintock, Katie <McClintock.Katie@epa.gov> wrote:

Yes. Sorry I missed your call. I can make myself available I think.

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Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

<Daily Update 3-4-16.docx>

<Media Monitoring Report Metal Release 03.04.2016.docx>

To: McClintock, Katie[McClintock.Katie@epa.gov]
Sent: Fri 2/12/2016 5:15:13 PM
Subject: RE: FW: HIGH PRIORITY: RA Oregon Air Emissions Briefing

Katie, no one has opened

Edward J. Kowalski
Director
Office of Compliance and Enforcement
EPA Region 10
Seattle, WA 98101
(206) 553-6695

From: McClintock, Katie
Sent: Friday, February 12, 2016 8:58 AM
To: McLerran, Dennis <mclerran.dennis@epa.gov>; Magorrian, Matthew <Magorrian.Matthew@epa.gov>; Hastings, Janis <Hastings.Janis@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Hedgpeth, Zach <Hedgpeth.Zach@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Martenson, Eric <Martenson.Eric@epa.gov>; Fleming, Sheila <fleming.sheila@epa.gov>; Franklin, Richard <Franklin.Richard@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>
Subject: RE: FW: HIGH PRIORITY: RA Oregon Air Emissions Briefing

<< File: Dennis Briefing Glass.docx >>

-----Original Appointment-----

From: McLerran, Dennis
Sent: Thursday, February 11, 2016 2:29 PM
To: McLerran, Dennis; Magorrian, Matthew; Hastings, Janis; Narvaez, Madonna; Hedgpeth, Zach; Kowalski, Ed; Holsman, Marianne; Pirzadeh, Michelle; Leefers, Kristin; Matthews, Julie; Martenson, Eric; Fleming, Sheila; Franklin, Richard
Cc: McClintock, Katie
Subject: Fwd: FW: HIGH PRIORITY: RA Oregon Air Emissions Briefing
When: Friday, February 12, 2016 9:30 AM-10:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: ET Conf Room + Conf line: 1 Ex. 6 - Personal Privacy, code: Ex. 6 - Personal Privacy

Matt, could you help with this?

Thanks,
Jan

From: McLerran, Dennis <mclerran.dennis@epa.gov>
Sent: Thursday, February 11, 2016 3:20 PM
Subject: FW: HIGH PRIORITY: RA Oregon Air Emissions Briefing
To: McClintock, Katie <mccclintock.katie@epa.gov>, Hastings, Janis
<hastings.janis@epa.gov>

Katie, the call in number doesn't seem right. The code says [Ex. 6 - Personal Privacy] on't know who actually set up the call.

-----Original Appointment-----

From: McLerran, Dennis
Sent: Thursday, February 11, 2016 2:45 PM
To: McLerran, Dennis; Narvaez, Madonna; Hedgpeth, Zach; Kowalski, Ed; Holsman, Marianne; McClintock, Katie; Pirzadeh, Michelle; Leefers, Kristin; Matthews, Julie; Hastings, Janis; Martenson, Eric; Fleming, Sheila; Franklin, Richard
Subject: FW: HIGH PRIORITY: RA Oregon Air Emissions Briefing
When: Friday, February 12, 2016 9:30 AM-10:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: ET Conf Room + Conf line: [Ex. 6 - Personal Privacy] code: [Ex. 6 - Personal Privacy]
Importance: High

-----Original Appointment-----

From: McLerran, Dennis
Sent: Thursday, February 11, 2016 2:29 PM
To: McLerran, Dennis; Hedgpeth, Zach; Kowalski, Ed; Holsman, Marianne; McClintock, Katie; Pirzadeh, Michelle; Leefers, Kristin; Matthews, Julie; Hastings, Janis; Martenson, Eric; Fleming, Sheila; Franklin, Richard
Subject: HIGH PRIORITY: RA Oregon Air Emissions Briefing
When: Friday, February 12, 2016 9:30 AM-10:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: ET Conf Room + Conf line: [Ex. 6 - Personal Privacy] code: [Ex. 6 - Personal Privacy]
Importance: High

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Koerber, Mike
Sent: Sat 3/5/2016 9:32:42 PM
Subject: Re: Portland glass facilities

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 5, 2016, at 1:48 PM, McClintock, Katie <McClintock.Katie@epa.gov> wrote:

Will do. And please send me whatever your folks have as well so we are hopefully not duplicating our efforts. Gina is coming out to visit us Wednesday too so I'm putting together a draft paper for that and will share as well. Do you have a feeling for what she will be most interested in hearing about?

Sent from my iPhone

On Mar 5, 2016, at 10:45 AM, Koerber, Mike <Koerber.Mike@epa.gov> wrote:

Thanks, Katie. Yes, anything you have to share on #1 and 3 would be great. I am expecting an update from my folks early next week. So, it would be good to combine our information with what you have learned.

Mike

Sent from my iPhone

On Mar 5, 2016, at 1:21 AM, McClintock, Katie <McClintock.Katie@epa.gov> wrote:

Mike,

Thanks for sending this my way. Do you need any updates from me on items one and three in the bottom email? I will put a Puget Sound update in my daily update today, but can try to sum up the work on #1. I have been working hard when I can on that one.

From: Koerber, Mike
Sent: Friday, March 04, 2016 10:12 AM
To: Hastings, Janis <Hastings.Janis@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>
Cc: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: FW: Portland glass facilities

As a followup to today's call, here is the summary of the call with USFS.

Mike

From: Shelow, David
Sent: Friday, March 04, 2016 12:29 PM
To: Wayland, Richard <Wayland.Richard@epa.gov>; Fox, Tyler <Fox.Tyler@epa.gov>; Benedict, Kristen <Benedict.Kristen@epa.gov>; Weinstock, Lewis <Weinstock.Lewis@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Watkins, Tim <Watkins.Tim@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>; Hemby, James <Hemby.James@epa.gov>; Landis, Matthew <Landis.Matthew@epa.gov>
Subject: RE: Portland glass facilities

Here are the notes from our call with the researcher Geoff Donovan.

Dave and Matt.

David M. Shelow
National Air Toxics Ambient Monitoring Program Manager
U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
Ambient Air Monitoring Group C304-06
Research Triangle Park, NC 27711
Phone: 919-541-3776
Fax:: 919-541-1903
Email: shelow.david@epa.gov

From: Wayland, Richard
Sent: Wednesday, March 02, 2016 3:14 PM
To: Fox, Tyler <Fox.Tyler@epa.gov>; Benedict, Kristen <Benedict.Kristen@epa.gov>; Weinstock, Lewis <Weinstock.Lewis@epa.gov>
Cc: Watkins, Tim <Watkins.Tim@epa.gov>; Shelow, David <Shelow.David@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>; Hemby, James <Hemby.James@epa.gov>
Subject: FW: Portland glass facilities

Hi folks,

In the attached memo, Janet outlines several actions being undertaken by EPA in response to the Portland Bullseye Glass air toxics issue. Specifically, there are 3 things that we (AQAD) are responsible for tracking.

1. Improving our characterization of emissions from art glass manufacturing facilities
2. Asses the viability of the original USFS study (Moss monitoring) as a screening methodology for air toxics
3. Review screening modeling by Puget Sound

Mike Koerber has asked for a short paragraph on each of these 3 activities by early next week. On the Moss monitoring, I have not heard from the USFS scientist and am cc'ing Tim Watkins to see if the fellow has contacted him yet. On the other two, can you guys help me pull a paragraph together to get back to Mike? Maybe try for a draft by Friday and we can finalize it next week.

Thanks

Chet

Richard A. "Chet" Wayland | Director | Air Quality Assessment Division - Mail Code C304-02 |
Office of Air Quality Planning & Standards | U.S. Environmental Protection Agency | Research
Triangle Park, NC 27711 | Desk: 919-541-4603 | Cell: 919-606-0548 | Fax: 919-541-4511 |

To: Matthews, Julie[Matthews.Juliane@epa.gov]
Cc: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: McClintock, Katie
Sent: Sat 3/5/2016 12:33:52 AM
Subject: Re: CBI letter

Sounds great. I'll switch the format and you can review Monday.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Sent from my iPhone

On Mar 4, 2016, at 12:54 PM, Matthews, Julie <Matthews.Juliane@epa.gov> wrote:

Ex. 5 - Attorney Client

I am working at home so didn't see what you left at my desk. I can look at it Monday and add it in.

Ex. 5 - Attorney Client

thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: Leefers, Kristin

Sent: Friday, March 04, 2016 9:19 AM

To: McClintock, Katie <McClintock.Katie@epa.gov>; Matthews, Julie
<Matthews.Juliane@epa.gov>

Subject: RE: CBI letter

It would be great if you could review Julie. I don't think I'll have time to get to it today. But if it can wait until Monday I could review then.

Thanks,

Kris

Kris Leefers

206-553-1532

From: McClintock, Katie

Sent: Friday, March 04, 2016 9:12 AM

To: Matthews, Julie <Matthews.Juliane@epa.gov>

Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: Re: CBI letter

Thanks. I left copies of my record list and spectrums cover letter on both of your desks.

Sent from my iPhone

On Mar 4, 2016, at 8:57 AM, Matthews, Julie <Matthews.Juliane@epa.gov> wrote:

Ex. 5 - Attorney Client

thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie

Sent: Thursday, March 03, 2016 9:25 PM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>

Cc: Matthews, Julie <Matthews.Juliane@epa.gov>

Subject: CBI letter

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

<Spectrum CBI Letter (00000002)Julie.docx>

To: Matthews, Julie[Matthews.Juliane@epa.gov]
Cc: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: McClintock, Katie
Sent: Fri 3/4/2016 9:02:30 PM
Subject: Re: CBI letter

Ex. 5 - Attorney Client

Sent from my iPhone

On Mar 4, 2016, at 12:54 PM, Matthews, Julie <Matthews.Juliane@epa.gov> wrote:

Ex. 5 - Attorney Client

thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: Leefers, Kristin

Sent: Friday, March 04, 2016 9:19 AM

To: McClintock, Katie <McClintock.Katie@epa.gov>; Matthews, Julie
<Matthews.Juliane@epa.gov>

Subject: RE: CBI letter

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Thanks,

Kris

Kris Leefers

206-553-1532

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Sent: Friday, March 04, 2016 9:12 AM

To: Matthews, Julie <Matthews.Juliane@epa.gov>

Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: Re: CBI letter

Thanks. I left copies of my record list and spectrums cover letter on both of your desks.

Sent from my iPhone

On Mar 4, 2016, at 8:57 AM, Matthews, Julie <Matthews.Juliane@epa.gov> wrote:

Ex. 5 - Attorney Client

thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie

Sent: Thursday, March 03, 2016 9:25 PM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>

Cc: Matthews, Julie <Matthews.Juliane@epa.gov>

Subject: CBI letter

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

<Spectrum CBI Letter (00000002)Julie.docx>

To: McClintock, Katie[McClintock.Katie@epa.gov]; Leefers, Kristin[Leefers.Kristin@epa.gov]
From: Matthews, Julie
Sent: Fri 3/4/2016 4:57:00 PM
Subject: RE: CBI letter

Ex. 5 - Attorney Client

thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie
Sent: Thursday, March 03, 2016 9:25 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Matthews, Julie <Matthews.Juliane@epa.gov>
Subject: CBI letter

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: McClintock, Katie[McClintock.Katie@epa.gov]; Throwe, Scott[Throwe.Scott@epa.gov]
Cc: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: Yellin, Patrick
Sent: Thur 3/3/2016 10:01:42 PM
Subject: RE: any concerns about me sending this email to ODEQ

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE, Attorney-client privilege

Ex. 5 - Attorney Client

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie
Sent: Thursday, March 03, 2016 4:44 PM
To: Throwe, Scott <Throwe.Scott@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE, Attorney-client privilege

Ex. 5 - Attorney Client

Katie

From: Throwe, Scott

Sent: Thursday, March 03, 2016 1:18 PM

To: Yellin, Patrick <Yellin.Patrick@epa.gov>

Cc: McClintock, Katie <McClintock.Katie@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE

Ex. 5 - Attorney Client

Scott Throwe

U.S. EPA

Office of Enforcement and Compliance Assurance

Office of Compliance

Phone: 202-564-7013

From: Yellin, Patrick

Sent: Thursday, March 03, 2016 3:32 PM

To: Throwe, Scott <Throwe.Scott@epa.gov>

Subject: FW: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

FYI – from Regional asst counsel

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: Leefers, Kristin

Sent: Thursday, March 03, 2016 3:16 PM

To: Yellin, Patrick <Yellin.Patrick@epa.gov>; McClintock, Katie
<McClintock.Katie@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Ex. 5 - Attorney Client

Thanks,

Kris

Kris Leefers

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 900

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

From: Yellin, Patrick
Sent: Thursday, March 03, 2016 11:03 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Katie –

Ex. 5 - Attorney Client

Thanks!
Patrick

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie
Sent: Thursday, March 03, 2016 1:52 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: any concerns about me sending this email to ODEQ regarding their request for 6S

guidance?

Attorney-client privilege, pre-decisional

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Throwe, Scott[Throwe.Scott@epa.gov]; Yellin, Patrick[Yellin.Patrick@epa.gov]
Cc: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: McClintock, Katie
Sent: Thur 3/3/2016 9:44:19 PM
Subject: RE: any concerns about me sending this email to ODEQ

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE, Attorney-client privilege

Ex. 5 - Attorney Client

Katie

From: Throwe, Scott
Sent: Thursday, March 03, 2016 1:18 PM
To: Yellin, Patrick <Yellin.Patrick@epa.gov>
Cc: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE

Ex. 5 - Attorney Client

Scott Throwe

U.S. EPA

Office of Enforcement and Compliance Assurance

Office of Compliance

Phone: 202-564-7013

From: Yellin, Patrick

Sent: Thursday, March 03, 2016 3:32 PM

To: Throwe, Scott <Throwe.Scott@epa.gov>

Subject: FW: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

FYI – from Regional asst counsel

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: Leefers, Kristin

Sent: Thursday, March 03, 2016 3:16 PM

To: Yellin, Patrick <Yellin.Patrick@epa.gov>; McClintock, Katie
<McClintock.Katie@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

ATTORNEY/CLIENT COMMUNICATION

Ex. 5 - Attorney Client

Thanks,

Kris

Kris Leefers

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 900

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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From: Yellin, Patrick

Sent: Thursday, March 03, 2016 11:03 AM

To: McClintock, Katie <McClintock.Katie@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Katie –

Ex. 5 - Attorney Client

Thanks!
Patrick

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie

Sent: Thursday, March 03, 2016 1:52 AM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>

Subject: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Attorney-client privilege, pre-decisional

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: McClintock, Katie[McClintock.Katie@epa.gov]; Leefers, Kristin[Leefers.Kristin@epa.gov]
From: Matthews, Julie
Sent: Thur 3/3/2016 7:11:53 PM
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Yep- I'm happy to look at it—or Kris if you have time we don't probably both need to.

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie
Sent: Thursday, March 03, 2016 10:19 AM
To: Matthews, Julie <Matthews.Juliane@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Ex. 5 - Attorney Client

From: Matthews, Julie
Sent: Thursday, March 03, 2016 8:35 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: McClintock, Katie <McClintock.Katie@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Ex. 5 - Attorney Client

Thanks for checking

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: Leefers, Kristin

Sent: Thursday, March 03, 2016 8:20 AM

To: Matthews, Julie <Matthews.Juliane@epa.gov>

Cc: McClintock, Katie <McClintock.Katie@epa.gov>

Subject: FW: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Hi Julie-

Below is a draft email that Katie is interested in sending to ODEQ (highlighted in

Ex. 5 - Attorney Client

Thanks,

Kris

Kris Leefers

206-553-1532

From: McClintock, Katie

Sent: Wednesday, March 02, 2016 10:52 PM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>

Subject: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Attorney-client privilege, pre-decisional

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

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Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: McClintock, Katie[McClintock.Katie@epa.gov]; Leefers, Kristin[Leefers.Kristin@epa.gov]
From: Yellin, Patrick
Sent: Thur 3/3/2016 7:03:23 PM
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Katie –

Ex. 5 - Attorney Client

Thanks!
Patrick

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

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Ex. 5 - Attorney Client

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Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Matthews, Julie[Matthews.Juliane@epa.gov]; Leefers, Kristin[Leefers.Kristin@epa.gov]
From: McClintock, Katie
Sent: Thur 3/3/2016 6:19:08 PM
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Ex. 5 - Attorney Client

From: Matthews, Julie
Sent: Thursday, March 03, 2016 8:35 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Ex. 5 - Attorney Client

Thanks for checking

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

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matthews.juliane@epa.gov

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Ex. 5 - Attorney Client

Thanks,

Kris

Kris Leefers

206-553-1532

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Attorney-client privilege, pre-decisional

Ex. 5 - Attorney Client

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Fax: 206-553-4743

Mcclintock.katie@epa.gov

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Sent: Thur 3/3/2016 6:52:14 AM
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Attorney-client privilege, pre-decisional

Ex. 5 - Attorney Client

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1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Matthews, Julie[Matthews.Juliane@epa.gov]; Leefers, Kristin[Leefers.Kristin@epa.gov]
From: McClintock, Katie
Sent: Wed 3/2/2016 9:34:25 PM
Subject: RE: CBI data from Spectrum

Ex. 5 - Attorney Client

From: Matthews, Julie
Sent: Wednesday, March 02, 2016 1:29 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: CBI data from Spectrum

Ex. 5 - Attorney Client

Thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie
Sent: Wednesday, March 02, 2016 1:26 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>
Subject: CBI data from Spectrum

Ex. 5 - Attorney Client

Thanks.

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: McClintock, Katie[McClintock.Katie@epa.gov]; Leefers, Kristin[Leefers.Kristin@epa.gov]
From: Matthews, Julie
Sent: Wed 3/2/2016 9:28:44 PM
Subject: RE: CBI data from Spectrum

Ex. 5 - Attorney Client

Thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie
Sent: Wednesday, March 02, 2016 1:26 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>
Subject: CBI data from Spectrum

Ex. 5 - Attorney Client

Thanks.

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Leefers, Kristin[Leefers.Kristin@epa.gov]; Matthews, Julie[Matthews.Juliane@epa.gov]
From: McClintock, Katie
Sent: Wed 3/2/2016 9:25:37 PM
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To: McClintock, Katie[McClintock.Katie@epa.gov]
Cc: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: Matthews, Julie
Sent: Sat 3/5/2016 1:14:28 AM
Subject: RE: CBI letter

Ex. 5 - Attorney Client

Have a good weekend!

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie
Sent: Friday, March 04, 2016 4:34 PM
To: Matthews, Julie <Matthews.Juliane@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Re: CBI letter

Ex. 5 - Attorney Client

Sent from my iPhone

On Mar 4, 2016, at 12:54 PM, Matthews, Julie <Matthews.Juliane@epa.gov> wrote:

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Ex. 5 - Attorney Client

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Juliane Matthews

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Thanks,

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Kris Leefers

206-553-1532

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Phone: 206-553-2143

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Mcclintock.katie@epa.gov

<Spectrum CBI Letter (00000002)Julie.docx>

To: Leefers, Kristin[Leefers.Kristin@epa.gov]
Cc: Matthews, Julie[Matthews.Juliane@epa.gov]
From: McClintock, Katie
Sent: Fri 3/4/2016 9:27:03 PM
Subject: Re: CBI letter

Ex. 5 - Attorney Client

Sent from my iPhone

On Mar 4, 2016, at 1:06 PM, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

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Kris Leefers

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From: McClintock, Katie
Sent: Friday, March 04, 2016 1:03 PM
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To: Matthews, Julie[Matthews.Juliane@epa.gov]
Cc: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: McClintock, Katie
Sent: Fri 3/4/2016 5:12:25 PM
Subject: Re: CBI letter

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Mcclintock.katie@epa.gov

To: McClintock, Katie[McClintock.Katie@epa.gov]; Throwe, Scott[Throwe.Scott@epa.gov]
Cc: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: Yellin, Patrick
Sent: Fri 3/4/2016 1:56:34 AM
Subject: RE: any concerns about me sending this email to ODEQ

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE, Attorney-client privilege

Katie –

Ex. 5 - Attorney Client

Thanks and have a good weekend – I'll be back on Monday.

Patrick

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie
Sent: Thursday, March 03, 2016 5:17 PM
To: Yellin, Patrick <Yellin.Patrick@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ

Ex. 5 - Attorney Client

Please let me know your thoughts asap.

From: Yellin, Patrick
Sent: Thursday, March 03, 2016 2:02 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE, Attorney-client privilege

Ex. 5 - Attorney Client

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie

Sent: Thursday, March 03, 2016 4:44 PM

To: Throwe, Scott <Throwe.Scott@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>

Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE, Attorney-client privilege

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Katie

From: Throwe, Scott
Sent: Thursday, March 03, 2016 1:18 PM
To: Yellin, Patrick <Yellin.Patrick@epa.gov>
Cc: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE

Ex. 5 - Attorney Client

Scott Throwe

U.S. EPA

Office of Enforcement and Compliance Assurance

Office of Compliance

Phone: 202-564-7013

From: Yellin, Patrick

Sent: Thursday, March 03, 2016 3:32 PM

To: Throwe, Scott <Throwe.Scott@epa.gov>

Subject: FW: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

FYI – from Regional asst counsel

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: Leefers, Kristin

Sent: Thursday, March 03, 2016 3:16 PM

To: Yellin, Patrick <Yellin.Patrick@epa.gov>; McClintock, Katie
<McClintock.Katie@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

ATTORNEY/CLIENT COMMUNICATION

Ex. 5 - Attorney Client

Thanks,

Kris

Kris Leefers

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 900

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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From: Yellin, Patrick

Sent: Thursday, March 03, 2016 11:03 AM

To: McClintock, Katie <McClintock.Katie@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Katie –

Ex. 5 - Attorney Client

Thanks!
Patrick

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie

Sent: Thursday, March 03, 2016 1:52 AM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>

Subject: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Attorney-client privilege, pre-decisional

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Yellin, Patrick[Yellin.Patrick@epa.gov]; Throwe, Scott[Throwe.Scott@epa.gov]
Cc: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: McClintock, Katie
Sent: Thur 3/3/2016 10:17:23 PM
Subject: RE: any concerns about me sending this email to ODEQ
Day tanks at Bullseye and Uroboros.docx

Ex. 5 - Attorney Client

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Sent: Thursday, March 03, 2016 2:02 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>
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Ex. 5 - Attorney Client

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Office of Compliance

U.S. Environmental Protection Agency

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Ex. 5 - Attorney Client

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FYI – from Regional asst counsel

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ATTORNEY/CLIENT COMMUNICATION

Ex. 5 - Attorney Client

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Kris Leefers

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 10

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M/S: ORC-113

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206-553-1532

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Thanks Kris—

Ex. 5 - Attorney Client

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Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

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From: McClintock, Katie
Sent: Wed 2/24/2016 10:55:41 PM
Subject: Colored Glass 114 Draft - sf 20-16-02-16
Colored Glass 114 Draft - sf 20-16-02-16.docx

In case you feel like looking at it today. Ex. 6 - Personal Privacy so I won't be working until later tonight when I'll look at this again.

My iphone is Ex. 6 - Personal Privacy fyi. I think I will forward my desk phone to it tomorrow too (if I can figure out how) so I don't have to use my other work cell also (right now I am getting calls on 4 separate phones at home!)

To: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: McClintock, Katie
Sent: Thur 2/11/2016 7:11:30 AM
Subject:

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

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Seattle, WA 98101

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To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Leefers, Kristin
Sent: Fri 3/4/2016 9:54:54 PM
Subject: RE: CBI letter

Ok, great, we're on the same page 😊

Kris Leefers

206-553-1532

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Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie

Sent: Thursday, March 03, 2016 9:25 PM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>

Cc: Matthews, Julie <Matthews.Juliane@epa.gov>

Subject: CBI letter

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

<Spectrum CBI Letter (00000002)Julie.docx>

To: Matthews, Julie[Matthews.Juliane@epa.gov]; McClintock, Katie[McClintock.Katie@epa.gov]
From: Leefers, Kristin
Sent: Fri 3/4/2016 9:01:32 PM
Subject: RE: CBI letter

Sorry about sending the wrong template.

One quick edit – My email address is leefers.kristin@epa.gov, not leefers.kris as shown in the last paragraph.

Thanks,

Kris

Kris Leefers

206-553-1532

From: Matthews, Julie
Sent: Friday, March 04, 2016 12:55 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: CBI letter

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: Leefers, Kristin

Sent: Friday, March 04, 2016 9:19 AM

To: McClintock, Katie <McClintock.Katie@epa.gov>; Matthews, Julie
<Matthews.Juliane@epa.gov>

Subject: RE: CBI letter

It would be great if you could review Julie. I don't think I'll have time to get to it today. But if it can wait until Monday I could review then.

Thanks,

Kris

Kris Leefers

206-553-1532

From: McClintock, Katie
Sent: Friday, March 04, 2016 9:12 AM
To: Matthews, Julie <Matthews.Juliane@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Re: CBI letter

Thanks. I left copies of my record list and spectrums cover letter on both of your desks.

Sent from my iPhone

On Mar 4, 2016, at 8:57 AM, Matthews, Julie <Matthews.Juliane@epa.gov> wrote:

Ex. 5 - Attorney Client

Kris let me know if you'd like me to review Katie's draft letters- or after I see your comments I can chime in if there is anything to add.

thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie
Sent: Thursday, March 03, 2016 9:25 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Matthews, Julie <Matthews.Juliane@epa.gov>
Subject: CBI letter

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: McClintock, Katie[McClintock.Katie@epa.gov]; Matthews, Julie[Matthews.Juliane@epa.gov]
From: Leefers, Kristin
Sent: Fri 3/4/2016 5:18:30 PM
Subject: RE: CBI letter

It would be great if you could review Julie. I don't think I'll have time to get to it today. But if it can wait until Monday I could review then.

Thanks,

Kris

Kris Leefers

206-553-1532

From: McClintock, Katie
Sent: Friday, March 04, 2016 9:12 AM
To: Matthews, Julie <Matthews.Juliane@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Re: CBI letter

Thanks. I left copies of my record list and spectrums cover letter on both of your desks.

Sent from my iPhone

On Mar 4, 2016, at 8:57 AM, Matthews, Julie <Matthews.Juliane@epa.gov> wrote:

Ex. 5 - Attorney Client

Kris let me know if you'd like me to review Katie's draft letters- or after I see your comments I can chime in if there is anything to add.

thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie

Sent: Thursday, March 03, 2016 9:25 PM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>

Cc: Matthews, Julie <Matthews.Juliane@epa.gov>

Subject: CBI letter

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Yellin, Patrick[Yellin.Patrick@epa.gov]; McClintock, Katie[McClintock.Katie@epa.gov]; Throwe, Scott[Throwe.Scott@epa.gov]
From: Leefers, Kristin
Sent: Fri 3/4/2016 4:08:55 PM
Subject: RE: any concerns about me sending this email to ODEQ

Ex. 5 - Attorney Client

Kris Leefers

206-553-1532

From: Yellin, Patrick
Sent: Thursday, March 03, 2016 5:57 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE, Attorney-client privilege

Katie –

Ex. 5 - Attorney Client

Thanks and have a good weekend – I'll be back on Monday.

Patrick

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie
Sent: Thursday, March 03, 2016 5:17 PM
To: Yellin, Patrick <Yellin.Patrick@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ

Ex. 5 - Attorney Client

Please let me know your thoughts asap.

From: Yellin, Patrick
Sent: Thursday, March 03, 2016 2:02 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE, Attorney-client privilege

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie

Sent: Thursday, March 03, 2016 4:44 PM

To: Throwe, Scott <Throwe.Scott@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>

Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE, Attorney-client privilege

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Katie

From: Throwe, Scott
Sent: Thursday, March 03, 2016 1:18 PM
To: Yellin, Patrick <Yellin.Patrick@epa.gov>
Cc: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

ENFORCEMENT SENSITIVE/DELIBERATIVE DOCUMENT/DO NOT RELEASE

Ex. 5 - Attorney Client

Scott Throwe

U.S. EPA

Office of Enforcement and Compliance Assurance

Office of Compliance

Phone: 202-564-7013

From: Yellin, Patrick
Sent: Thursday, March 03, 2016 3:32 PM
To: Throwe, Scott <Throwe.Scott@epa.gov>
Subject: FW: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

FYI – from Regional asst counsel

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: Leefers, Kristin

Sent: Thursday, March 03, 2016 3:16 PM

To: Yellin, Patrick <Yellin.Patrick@epa.gov>; McClintock, Katie
<McClintock.Katie@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

ATTORNEY/CLIENT COMMUNICATION

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks,

Kris

Kris Leefers

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 900

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

From: Yellin, Patrick

Sent: Thursday, March 03, 2016 11:03 AM

To: McClintock, Katie <McClintock.Katie@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Katie –

Ex. 5 - Attorney Client

Thanks!
Patrick

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie

Sent: Thursday, March 03, 2016 1:52 AM

To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>

Subject: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Attorney-client privilege, pre-decisional

Kris and Patrick:

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Yellin, Patrick[Yellin.Patrick@epa.gov]; McClintock, Katie[McClintock.Katie@epa.gov]
From: Leefers, Kristin
Sent: Thur 3/3/2016 8:16:11 PM
Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

ATTORNEY/CLIENT COMMUNICATION

Ex. 5 - Attorney Client

Thanks,

Kris

Kris Leefers

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 900

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

From: Yellin, Patrick

Sent: Thursday, March 03, 2016 11:03 AM

To: McClintock, Katie <McClintock.Katie@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: RE: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Katie –

Ex. 5 - Attorney Client

Thanks!
Patrick

Patrick Yellin

Monitoring, Assistance, and Media Programs Division
Office of Compliance

U.S. Environmental Protection Agency

yellin.patrick@epa.gov

202.564.2970

From: McClintock, Katie
Sent: Thursday, March 03, 2016 1:52 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: any concerns about me sending this email to ODEQ regarding their request for 6S guidance?

Attorney-client privilege, pre-decisional

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: McClintock, Katie[McClintock.Katie@epa.gov]; Matthews, Julie[Matthews.Juliane@epa.gov]
From: Leefers, Kristin
Sent: Wed 3/2/2016 10:13:30 PM
Subject: RE: CBI data from Spectrum

Hi Katie-

Ex. 5 - Attorney Client

Kris

Kris Leefers

206-553-1532

From: McClintock, Katie
Sent: Wednesday, March 02, 2016 1:34 PM
To: Matthews, Julie <Matthews.Juliane@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: RE: CBI data from Spectrum

Ex. 5 - Attorney Client

From: Matthews, Julie
Sent: Wednesday, March 02, 2016 1:29 PM

To: McClintock, Katie <McClintock.Katie@epa.gov>; Leefers, Kristin
<Leefers.Kristin@epa.gov>
Subject: RE: CBI data from Spectrum

Ex. 5 - Attorney Client

Thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie
Sent: Wednesday, March 02, 2016 1:26 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>
Subject: CBI data from Spectrum

Ex. 5 - Attorney Client

Thanks.

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Leefers, Kristin
Sent: Thur 2/11/2016 4:50:01 PM
Subject: Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Kris Leefers

206-553-1532

From: McClintock, Katie
Sent: Wednesday, February 10, 2016 11:12 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Leefers, Kristin[Leefers.Kristin@epa.gov]
From: McClintock, Katie
Sent: Thur 2/25/2016 11:24:08 PM
Subject: Give me a call if you have time today to talk about spectrum.

Ex. 6 - Personal Privacy

Sent from my iPhone

To: McClintock, Katie[McClintock.Katie@epa.gov]; Leefers, Kristin[Leefers.Kristin@epa.gov]
From: Matthews, Julie
Sent: Thur 2/25/2016 12:54:06 AM
Subject: RE: Colored Glass 114 Draft - sf 20-16-02-16

Thanks Katie- I hope to look at it to night as well. talk to you tomorrow.

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie
Sent: Wednesday, February 24, 2016 2:56 PM
To: Matthews, Julie <Matthews.Juliane@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Colored Glass 114 Draft - sf 20-16-02-16

In case you feel like looking at it today. **Ex. 6 - Personal Privacy** so I won't be working until later tonight when I'll look at this again.

My iphone is **Ex. 6 - Personal Privacy** fyi. I think I will forward my desk phone to it tomorrow too (if I can figure out how) so I don't have to use my other work cell also (right now I am getting calls on 4 separate phones at home!)

To: Matthews, Julie[Matthews.Juliane@epa.gov]
From: McClintock, Katie
Sent: Tue 2/23/2016 5:21:50 AM
Subject: RE: Region 10 glass facility issue

Hey Julie –

I agree this was useful to see in writing. I want to discuss with you the next steps/directions on this when you (and I) have time.

From: Matthews, Julie
Sent: Monday, February 22, 2016 3:51 PM
To: Averbach, Jonathan <Averbach.Jonathan@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>
Cc: Narvaez, Madonna <Narvaez.Madonna@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Fairchild, Susan <Fairchild.Susan@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>; Barnett, Keith <Barnett.Keith@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Leefer, Kristin <Leefer.Kristin@epa.gov>
Subject: RE: Region 10 glass facility issue

Thank you Jon. This is useful to see your analysis.

Julie M

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: Averbach, Jonathan
Sent: Monday, February 22, 2016 3:16 PM
To: Throwe, Scott <Throwe.Scott@epa.gov>
Cc: Narvaez, Madonna <Narvaez.Madonna@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Fairchild, Susan <Fairchild.Susan@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>; Barnett, Keith <Barnett.Keith@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>
Subject: RE: Region 10 glass facility issue

Attorney Client communication / deliberative process – do not release

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Jon Averback - Sr Attorney - EPA/OGC/ARLO - 202-564-1064

From: Throwe, Scott
Sent: Thursday, February 18, 2016 3:30 PM
To: Averback, Jonathan <Averback.Jonathan@epa.gov>
Cc: Narvaez, Madonna <Narvaez.Madonna@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Fairchild, Susan <Fairchild.Susan@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: Region 10 glass facility issue
Importance: High

Jon:

As you probably know, we are dealing with an art glass facility in Region 10 which is releasing emissions of arsenic and cadmium in close proximity to a school.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Here is some of the key language in Subpart 6S

(a) This subpart applies to each existing or new affected glass melting furnace that is located at a glass manufacturing facility and satisfies the requirements specified in paragraphs (a)(1) through (3) of this section.

(1) The furnace is a continuous furnace, as defined in §63.11459.

Continuous furnace means a glass manufacturing furnace that operates continuously except during periods of maintenance, malfunction, control device installation, reconstruction, or rebuilding.

Scott Throwe

U.S. EPA

Office of Enforcement and Compliance Assurance

Office of Compliance

Phone: 202-564-7013

To: Matthews, Julie[Matthews.Juliane@epa.gov]
From: McClintock, Katie
Sent: Fri 2/19/2016 6:23:06 PM
Subject:

Ex. 5 - Attorney Client

We have certainly told the public we inspected bullseye and uroboros.

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: Matthews, Julie[Matthews.Juliane@epa.gov]
From: McClintock, Katie
Sent: Thur 2/18/2016 7:50:29 PM
Subject: RE: Request for confidentiality procedures

Thanks Julie. I sent him the text of your response. I appreciate your quick help so we can get his records!

From: Matthews, Julie
Sent: Thursday, February 18, 2016 11:48 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: RE: Request for confidentiality procedures

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Hope this helps-

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie

Sent: Wednesday, February 17, 2016 7:45 PM

To: Matthews, Julie <Matthews.Juliane@epa.gov>

Subject: FW: Request for confidentiality procedures

Ex. 5 - Attorney Client

From: Eric Lovell [<mailto:eric@uroboros.com>]
Sent: Wednesday, February 17, 2016 11:26 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: Request for confidentiality procedures

Dear Ms. McClintock,

As we are preparing copies of our glass formulas to meet your request, I would like to have a letter on EPA stationery, over your signature and title, that describes how EPA intends to protect the confidentiality of them prior to the handover.

I realize we discussed confidentiality verbally during your visit, but due to the extremely valuable intellectual property embodied in these glass formulas and furnace designs, I am uncomfortable releasing them to EPA custody based solely on a verbal description of confidentiality procedures. These formulas and designs are unique in the world, are the life blood of this business and are of vital importance to us.

Therefore, if you would then please provide in written form (electronic delivery accepted), exactly how the department intends to protect the confidentiality of the documents from date of receipt until the date of destruction, which offices will have access to them during that time, how long they will be retained before they are not needed, and how they will be destroyed when no longer needed. Perhaps the EPA already has a printed document available that covers this. I am particularly concerned about EPA sharing with the Oregon DEQ, since public access rules in Oregon allow for almost complete release of all DEQ documents.

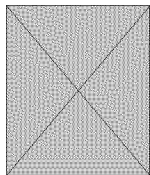
Toward this end, George Davis of Oregon DEQ said during a meeting this AM that he could simply review the formulas during a visit here, and would not need to collect copies.

Thank you very much for your attention to this request. We are continuing to make copies of the batch tickets so they are ready to send as soon as I receive your letter. We can send the weekly melt plans ahead in the meantime.

Eric

Eric Lovell

President



2139 N. Kerby Ave
Portland, OR 97227
503-284-4900 x 201 T
503-284-7584 F

To: Matthews, Julie[Matthews.Juliane@epa.gov]
From: McClintock, Katie
Sent: Thur 2/18/2016 3:44:50 AM
Subject: FW: Request for confidentiality procedures
removed.txt

Ex. 5 - Attorney Client

From: Eric Lovell [mailto:eric@uroboros.com]
Sent: Wednesday, February 17, 2016 11:26 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: Request for confidentiality procedures

Dear Ms. McClintock,

As we are preparing copies of our glass formulas to meet your request, I would like to have a letter on EPA stationery, over your signature and title, that describes how EPA intends to protect the confidentiality of them prior to the handover.

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Toward this end, George Davis of Oregon DEQ said during a meeting this AM that he could

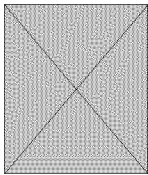
simple review the formulas during a visit here, and would not need to collect copies.

Thank you very much for your attention to this request. We are continuing to make copies of the batch tickets so they are ready to send as soon as I receive your letter. We can send the weekly melt plans ahead in the meantime.

Eric

Eric Lovell

President



2139 N. Kerby Ave
Portland, OR 97227
503-284-4900 x 201 T
503-284-7584 F

To: McClintock, Katie[McClintock.Katie@epa.gov]
Cc: Matthews, Julie[Matthews.Juliane@epa.gov]
From: Vergeront, Julie
Sent: Wed 2/17/2016 4:13:28 PM
Subject: RE: MAO

Ex. 5 - Attorney Client

Julie A. Vergeront

Assistant Regional Counsel

EPA Region 10

1200 Sixth Avenue, Suite 900

Seattle, WA 98101

206-553-1497

vergeront.julie@epa.gov

Confidential communication for internal deliberations only; attorney-client privilege, attorney work product and/or enforcement privilege; do not distribute outside EPA or DOJ

From: McClintock, Katie
Sent: Tuesday, February 16, 2016 9:02 PM
To: Vergeront, Julie <Vergeront.Julie@epa.gov>
Cc: Matthews, Julie <Matthews.Juliane@epa.gov>
Subject: RE: MAO

Ex. 5 - Attorney Client

From: Vergeront, Julie
Sent: Tuesday, February 16, 2016 2:34 PM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: MAO

From DEQ's web site.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

What is a Mutual Agreement and Order?

A Mutual Agreement and Order (MAO) is a legally binding enforceable document that sets out settlement terms on which you and DEQ agree. Often, the MAO provides that the Department agrees to reduce the penalty to reflect facts based on new information. Sometimes the purpose of the MAO is to provide a payment plan. The MAO may also change the actions or deadlines set forth in an Order. In signing a MAO, you waive your right to appeal, but obtain the benefit of the agreement you have reached with DEQ and avoid the additional time and potential legal costs associated with the appeal processes. Once the MAO is signed by the parties, the penalty and/or order becomes final.

Julie A. Vergeront

Assistant Regional Counsel

EPA Region 10

1200 Sixth Avenue, Suite 900

Seattle, WA 98101

206-553-1497

vergeront.julie@epa.gov

Confidential communication for internal deliberations only; attorney-client privilege, attorney work product and/or enforcement privilege; do not distribute outside EPA or DOJ

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Matthews, Julie
Sent: Fri 3/4/2016 5:55:36 PM
Subject: RE: CBI letter

Katie- Spectrum already did make the CBI claim didn't they? I was thinking that they asked you to treat everything as CBI- right?

thanks

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie
Sent: Thursday, March 03, 2016 9:25 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Matthews, Julie <Matthews.Juliane@epa.gov>
Subject: CBI letter

Ex. 5 - Attorney Client

Katie McClintock

Air Enforcement Officer

EPA Region 10

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

Phone: 206-553-2143

Fax: 206-553-4743

Mcclintock.katie@epa.gov

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Matthews, Julie
Sent: Mon 2/29/2016 9:40:14 PM
Subject: Fwd: Clean Air In Portland

Sent from my iPhone

Begin forwarded message:

From: "Hastings, Janis" <Hastings.Janis@epa.gov>
Date: February 29, 2016 at 11:45:35 AM PST
To: "Moon, Wally" <Moon.Wally@epa.gov>, "Downey, Scott" <Downey.Scott@epa.gov>
Cc: "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Smith, Judy" <Smith.Judy@epa.gov>, "Barber, Anthony" <Barber.Anthony@epa.gov>, "Matthews, Julie" <Matthews.Juliane@epa.gov>, "Fleming, Sheila" <fleming.sheila@epa.gov>, "Kowalski, Ed" <Kowalski.Edward@epa.gov>
Subject: FW: Clean Air In Portland

Hi, Scott and Wally. Tony has been providing responses to citizen letters, and I'll send you his most recent response. The email below however is specifically "requesting that emergency air monitoring and soil testing begin immediately in all hotspots of Portland."

Questions:

- Ed, Wally - Do you want to provide Tony with input for him to respond, or will you be taking the lead on this particular response?
- Marianne/Judy – Does this need to be logged in as controlled correspondence? I just saw that the same email went to Dennis.

Thanks,
Jan

From: Ex. 6 - Personal Privacy
Sent: Monday, February 29, 2016 10:58 AM
To: Hastings, Janis <Hastings.Janis@epa.gov>
Subject: Clean Air In Portland

Hello Ms. Hastings,

As a resident in a hotspot of SE Portland, I want to ask that the DEQ, or a privately hired company, immediately start emergency air monitoring and soil testing of all hotspots that have been identified in Southeastern Portland as well as North and Northeastern Portland.

Understandably, Bullseye and Uroboros Glass have received a great deal of attention and focus because of the testing results in those two areas, yet they are not the only two hotspots that exist in Eastern Portland. We urgently need data about soil content and airborne toxins in all hotspots of Portland now.

Residents of north and northeast Portland, including those in the Rose City Park neighborhood, want investigation of their area. It is urgent to assess the conditions there, and the possibility that yet another glass company has existed there. Residents of other parts of SE Portland, particularly those that live near Precision Cast Parts, believe their situation needs more attention and urgent assistance as well.

Arsenic, nickel, lead, cadmium, chromium, and other pollutants need to be studied further immediately to determine their level of health threat to ALL residents of Portland equally. Every hotspot particularly needs assistance to monitor air and soil quality so that problem solving can take place and solutions can be developed and implemented.

Once again, I am requesting that emergency air monitoring and soil testing begin immediately in all hotspots of Portland and that all areas and residents be protected and treated equally.

Thank you very much for your time.

Sincerely,

Ex. 6 - Personal Privacy

Sent from my iPhone

Cc: Stern, Allyn[Stern.Allyn@epa.gov]
To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Matthews, Julie
Sent: Sun 2/21/2016 9:54:36 PM
Subject: Fwd: Toxic Heavy Metal Emissions in Portland, Oregon

Katie. FYI.

Thanks for sending this along Allyn.

Sent from my iPhone

Begin forwarded message:

From: "Stern, Allyn" <Stern.Allyn@epa.gov>
Date: February 21, 2016 at 10:52:11 AM PST
To: "Matthews, Julie" <Matthews.Juliane@epa.gov>
Subject: Fwd: Toxic Heavy Metal Emissions in Portland, Oregon

Allyn Stern
Regional Counsel
US EPA Region 10
1200 Sixth Avenue, Seattle, WA 98101
206-553-1223

Begin forwarded message:

From: "McLerran, Dennis" <mclerran.dennis@epa.gov>
Date: February 21, 2016 at 9:49:35 AM PST
To: "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Pirzadeh, Michelle" <Pirzadeh.Michelle@epa.gov>, "Hastings, Janis" <Hastings.Janis@epa.gov>, "Kowalski, Ed" <Kowalski.Edward@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Dunbar, Bill" <dunbar.bill@epa.gov>
Subject: Fwd: Toxic Heavy Metal Emissions in Portland, Oregon

FYI

Sent from my EPA iPhone

Begin forwarded message:

From: **Ex. 6 - Personal Privacy**

Date: February 20, 2016 at 11:12:42 PM PST

To: mclerran.dennis@epa.gov, hastings.janis@epa.gov,
Barber.Anthony@epamail.epa.gov, mayorcharliehailes@portlandoregon.gov,
dan@portlandoregon.gov, Nick Fish <nick@portlandoregon.gov>,
Amanda@portlandoregon.gov, Steve Novick <novick@portlandoregon.gov>,
pedersen.dick@deq.state.or.us, deconcini.nina@deq.state.or.us

Subject: Toxic Heavy Metal Emissions in Portland, Oregon

Hello,

As the facts continue to emerge about toxic heavy metal hot spots affecting Portland neighborhoods, and as neighbors become more and more literate on this issue - and the dangers associated with it - we beg you to not let up the pressure on the DEQ & the OHA & to use whatever power you may have at your disposal to compel the offending industries to install protective 21st filtration systems to contain these toxic emissions. The latest revelations in the Portland Mercury about the use and effects of hydrogen flouride in glass manufacturing contained this appalling quote from a DEQ spokesperson, "There is currently little information both statewide and nationally about the emissions from the art and architectural glass manufacturing process.... This is the beginning of DEQ's and EPA's investigation of the art and architectural glass industry, and we expect to learn more about additional pollutants that we should be concerned about." I was stunned that the regulatory organization charged with issuing permits appears to have had no idea what exactly they were permitting. This is negligence of the first order. And really kind of insane. I most respectfully ask that you do whatever you can to shut these factories down until all agencies, regulations, benchmarks, etc are up to speed. Please. I have lived .38 miles from the Bullseye Glass factory for 30 years. Therefore I am in that high risk category of long-term exposure to these toxic metals. I am heart broken, frightened, appalled and grateful for every bit of muscle you can bring to this crisis.

Most Sincerely,

Ex. 6 - Personal Privacy

--

"Sun on the bone-hulled galleons of those gulls/Charms my immense irrelevance away" James Wright

"Reason, that fool's gold of the bright . . ." Yann Martel

The obstacle is the path - Zen proverb

Be joyful, though you have considered all the facts. Wendell Berry

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Matthews, Julie
Sent: Thur 2/18/2016 7:48:19 PM
Subject: RE: Request for confidentiality procedures

You could send an email reply to him with the following—or if you'd rather I can send it.:

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Hope this helps-

Juliane Matthews

Assistant Regional Counsel

U.S. Environmental Protection Agency- Region 10

1200 Sixth Avenue, Suite 900, ORC -113

Seattle, WA 98101

(206) 553-1169

matthews.juliane@epa.gov

From: McClintock, Katie

Sent: Wednesday, February 17, 2016 7:45 PM

To: Matthews, Julie <Matthews.Juliane@epa.gov>

Subject: FW: Request for confidentiality procedures

Ex. 5 - Attorney Client

From: Eric Lovell [<mailto:eric@uroboros.com>]

Sent: Wednesday, February 17, 2016 11:26 AM

To: McClintock, Katie <McClintock.Katie@epa.gov>

Subject: Request for confidentiality procedures

Dear Ms. McClintock,

As we are preparing copies of our glass formulas to meet your request, I would like to have a letter on EPA stationary, over your signature and title, that describes how EPA intends to protect the confidentiality of them prior to the handover.

I realize we discussed confidentiality verbally during your visit, but due to the extremely valuable intellectual property embodied in these glass formulas and furnace designs, I am uncomfortable releasing them to EPA custody based solely on a verbal description of confidentiality procedures. These formulas and designs are unique in the world, are the life blood of this business and are of vital importance to us.

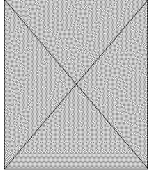
Therefore, if you would then please provide in written form (electronic delivery accepted), exactly how the department intends to protect the confidentiality of the documents from date of receipt until the date of destruction, which offices will have access to them during that time, how long they will be retained before they are not needed, and how they will be destroyed when no longer needed. Perhaps the EPA already has a printed document available that covers this. I am particularly concerned about EPA sharing with the Oregon DEQ, since public access rules in Oregon allow for almost complete release of all DEQ documents.

Toward this end, George Davis of Oregon DEQ said during a meeting this AM that he could simple review the formulas during a visit here, and would not need to collect copies.

Thank you very much for your attention to this request. We are continuing to make copies of the batch tickets so they are ready to send as soon as I receive your letter. We can send the weekly melt plans ahead in the meantime.

Eric

Eric Lovell
President



2139 N. Kerby Ave
Portland, OR 97227
503-284-4900 x 201 T
503-284-7584 F

To: McClintock, Katie[McClintock.Katie@epa.gov]
From: Matthews, Julie
Sent: Thur 2/18/2016 3:28:27 PM
Subject: Re: Request for confidentiality procedures

Katie. **Ex. 5 - Attorney Client** I can write something up for you later today

Sent from my iPhone

On Feb 17, 2016, at 7:44 PM, McClintock, Katie <McClintock.Katie@epa.gov> wrote:

Ex. 5 - Attorney Client

From: Eric Lovell [mailto:eric@uroboros.com]
Sent: Wednesday, February 17, 2016 11:26 AM
To: McClintock, Katie <McClintock.Katie@epa.gov>
Subject: Request for confidentiality procedures

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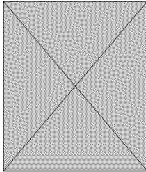
Toward this end, George Davis of Oregon DEQ said during a meeting this AM that he could simple review the formulas during a visit here, and would not need to collect copies.

Thank you very much for your attention to this request. We are continuing to make copies of the batch tickets so they are ready to send as soon as I receive your letter. We can send the weekly melt plans ahead in the meantime.

Eric

Eric Lovell

President



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503-284-7584 F

<removed.txt>